

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12016 of 2025

Arising Out of PS. Case No.-167 Year-2021 Thana- LAURIA District- West Champaran

Most. Sunita Devi Wife of Rambrichh Choudhari @ Rambriksh Chaudhari @
Late Rambriksh Chaudhary Resident of Village - Deurwa, Sitapur, P.S. -
Lauriya, District - West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sujeet Kumar, Advocate

For the Opposite Party/s : Mrs.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused-petitioner seeks bail in connection with

Lauriya P.S. Case No. 167 of 2021 registered for the offence

under Sections 302, 328 and 34 of Indian Penal Code and

Sections 30(a), 33 and 37(b) of the Bihar Prohibition and Excise

Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is

in custody since 23.09.2024.

4. The allegation against the petitioner is to involve in

illegal trading of spurious liquor, whereafter consumption, the

maternal uncle of the informant died.

5. Learned counsel appearing on behalf of the petitioner

submitted that the present F.I.R. is being lodged after eight days



of the occurrence without any just explanation. It is submitted that from bare perusal of the F.I.R., no case u/s 302 of the I.P.C. is made out, particularly, under the circumstances, where specific provision u/s 34(b)(i) has been made out to deal with such offences. It is further submitted that there is no recovery of illicit liquor from the physical possession of the petitioner. It is also submitted that the allegation is very much general and omnibus against this petitioner.

6. Learned counsel, while travelling over the argument, submitted that in want of post-mortem report, it cannot, even, be said that death of maternal uncle of the informant was caused due to consumption of spurious liquor, as alleged. It is submitted that nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of occurrence. It is submitted that petitioner found involved in two more criminal antecedents wherein she is on bail.

7. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has already been submitted, and as such, there is no chance of tampering with the evidence.

8. Learned A.P.P. for the State, while opposing the prayer for bail, fairly conceded that post-mortem was not



conducted in this matter in support of allegation to cause death after consumption of spurious liquor.

9. In view of the facts and circumstances, as mentioned above, as the cause of death is consumption of liquor, which appears *prima-facie* doubtful in want of post-mortem report or chemical report coupled with the fact that chargesheet has already been submitted, accordingly, petitioner above-named is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Bettiah, West Champaran/concerned Court in connection with Lauriya P.S. Case No. 167 of 2021, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. /Section 480(3) of BNSS and further condition:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of



the trial and exemption from physical appearance
be allowed by the Trial Court only on medical
ground of the petitioner, duly supported by the
documents.

(iii) That one of the bailors shall be Raja
Chaudhari, who is the son of the petitioner and
deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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