

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8759 of 2025

Arising Out of PS. Case No.-374 Year-2021 Thana- NAWADA District- Nawada

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1. Manti Devi W/o- Late Bhonu Chaudhary R/O Village- Gondpur PS- Nagar Dist- Nawada
 2. Anil Choudhary S/o- Late Bhonu Chaudhary R/O Village- Tetrarma Po- Manpur PS- Giriyak Dist- Nalanda at Bihar Sharif

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari , APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 14-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Nawada P. S. Case No. 374 of 2021, dated 02-04-2021, instituted for offences punishable under Sections 33,34 and 36 of the Bihar Prohibition and Excise Act, 2016

3. As per the prosecution case, the father of the informant is said to have died after consuming spurious liquor that was purchased from some unknown miscreants.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have been falsely implicated in the present case. It is submitted that the petitioners are not named in the First Information Report (FIR). However, during the course of investigation, they were arrested and are alleged to



have confessed their guilt. Petitioner No. 2 is the son of petitioner No. 1. Further submission is that it has come in the case diary during the course of investigation that both petitioners were allegedly involved in spurious liquor trade and were found to have associations with other co-accused persons engaged in the illicit liquor trade. However, it is submitted that nothing incriminating has been recovered either from the possession of the petitioners or from their house during the investigation. It is further submitted that several co-accused persons, whose details are mentioned in paragraph 12 of the bail application, have already been granted bail by this Court. Although the petitioners have six criminal antecedents, they are in custody since 22.12.2022, and the charge sheet has already been submitted in this case.

5. Learned Additional Public Prosecutor (APP) for the State has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-1st, Nawada, in connection with Nawada P. S.



Case No. 374 of 2021, subject to the following conditions:

(i) that the petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail, and (v) that the petitioners will appear before the SHO of concerned PS every fortnightly to mark their attendance till framing of charge.

7. The application stands allowed.

(Khatim Reza, J)

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