

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11821 of 2025

Arising Out of PS. Case No.-382 Year-2021 Thana- NAWADA District- Nawada

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1. Manti Devi W/o Late Bhonu Chaudhary R/o vill - Gondpur, P.S. - Nagar, Distt.- Nawada
 2. Anil Choudhary S/o Late Bhonu Chaudhary R/o vill - Tetrarma, P.O. - Manpur, P.S - Giryak, Distt.- 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 RUDRA PRAKASH MISHRA

ORAL ORDER

5 27-06-2025 Heard learned counsel for the petitioners, learned APP for the State and perused the case diary.

2. The petitioners seek bail in connection with Nawada P.S. Case No. 382 of 2021, instituted for the offences punishable under Sections 33, 34 and 36 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, husband of the informant died due to consumption of spurious liquor which was purchased from the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the



present case. Charge-sheet has been submitted in this case. No incriminating material have been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that petitioner no. 1 is named but petitioner no. 2 is not named in the FIR. Name of petitioner no. 2 has transpired in this case during course of investigation. It is next submitted that the petitioners are mother and son. The allegation of selling spurious liquor against the petitioners is general and omnibus in nature. Petitioner no. 1 is in custody since 20.04.2021 and petitioner no. 2 is in custody since 13.12.2023 and both of them have got six criminal antecedents. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 19.07.2024 passed in Cr. Misc. No. 50858 of 2024. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. On perusal of the report sent by learned Court below, it appears that charge has been framed on 27.11.2024 and out of ten prosecution witnesses, no any witness has been examined till date.



7. Considering the aforesaid facts and circumstances of the case, stage of trial and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nawada P.S. Case No. 382 of 2021, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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