

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15100 of 2025

Arising Out of PS. Case No.-740 Year-2021 Thana- NAWADA District- Nawada

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1. Usha Devi Wife of Rajo @ Raju Chaudhary Resident of village- Kadirganj, P.S. and District -Nawada
 2. Anil Choudhary Son of Late Ram Prasad Chaudhary Resident of Village-Gondapur, P.S. and District- Nawadad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 05-03-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Nawada PS Case No. 740 of 2021 instituted for the offences under Sections 33, 34 and 36 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that brother and maternal uncle of the informant celebrated Holi after consuming spurious liquor. In the evening, maternal uncle of the informant died and when the brother of the informant returned after cremation of his uncle, he also started vomiting and died, thereafter, a U.D. Case has been



registered and converted into FIR.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. It is submitted that petitioners are not named in the FIR. It is further submitted that the name of the petitioners have transpired on the basis of confessional statement of apprehended co-accused person namely, Manti Devi which has got no evidentiary value in the eye of law. The petitioners are in custody since 26.10.2024 and has got thirteen criminal antecedents. There is no compliance of Section 103 of B.N.S.S.

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

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

7. Let the petitioners be released on bail, *after*



framing of charge if not already framed on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nawada PS Case No. 740 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.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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