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The Justice Department has decided not to seek the extradition from the Bahamas of Howard R. Hughes, the billionaire industrialist, to stand trial in a stock fraud

case.

A spokesman for the department said the decision, made about three weeks after Hughes was indicted last July 30, but not announced publicly, was based largely on the government's failure to secure the return of financier Robert L. Vesco from the Bahamas in a similar case late last year.

Hughes, Robert A. Maheu, his former principal aide, and two other persons were charged by a federal grand jury in Las Vegas with stock manipulation, wire fraud and conspiracy in connection with Hughes's acquisition of Air West Airline in 1968.

When the Bahamas gained their independence from Britain last year, it adopted as its own the extradition treaty between the United Kingdom and the United States. This dates from the 1930s and makes no provision for cases involving wire fraud and other relatively new kinds of offenses.

That omission posed a problem for the government last December, when a Bahamian court ruled that Vesco, who was living in Nassau at the time, could not be handed over to the American authorities

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