

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42037 of 2021

Arising Out of PS. Case No.-363 Year-2021 Thana- SONEPUR District- Saran

=====

Lav Kush Kumar Singh @ Lavkush Singh, Son of Ramnath Singh Resident
of Village - Bakarpur, P.S.- Sonpur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Preety Kunwar, Adv.
For the State	:	Md. Matloob Rab, APP

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-11-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 01.07.2021 seeks
bail in connection with Sonpur P.S. Case No.363 of 2021,
registered for the offence punishable under Section 30(a),
38/40(i) of the Bihar Prohibition & Excise Act, 2016 as
amended up-to-date.

Prosecution case in brief, is that on secret information
the informant along with other police personnel at four lane near
Bakarpur More spotted auto and one pickup van, but the driver
of the auto was apprehended, however, the driver of another
vehicle managed to flee away. A huge quantity of illicit liquor



was recovered and from the apprehended accused. The name of the petitioner was disclosed along with other co-accused person.

Learned senior counsel appearing on behalf of the petitioner submits that nothing has been recovered from the conscious possession of the petitioner. The petitioner has been made accused due to dirty village politics. He further submits that in paragraph-20 of his application he has specifically stated that petitioner was arrested from his house and not from the place of occurrence where the seizure list was effected. Learned counsel for the petitioner submits that this is a fit case in which the petitioner be allowed to released on bail.

However, the learned counsel in view of specific prayer of provisional bail made in Interlocutory Application submits for releasing the petitioner on provisional bail on the ground that his cousin sister is to be married. In this regard, learned counsel appearing on behalf of the petitioner refers to the programme of ritual relating to marriage of one Kumari Rinki, D/o Smt. Rita Devi and Sri Kamleshwar Singh, resident of village-Bakarpur, P.S.-Sonepur, District-Saran. He also informs that the said card bears mobile numbers of Sri Ram Dayal Singh, aspirant (Aakanshi). According to the schedule specified in the invitation card on 28.11.2021 ritual of



Haldikalash is to be performed and on 29.11.2021, marriage is to be performed.

Learned APP for the State, however oppose the prayer for bail.

Having considered the facts and circumstances of the case and the allegations made in the FIR and the submissions made by learned counsel for provisional bail for specific period, I am of the opinion that at this stage, let the above named petitioner, Lav Kush Kumar Singh @ Lavkush Singh be released on provisional bail for a period of fifteen days on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Second Additional Sessions Judge-cum-Special Judge, Excise Act, Saran in connection with Sonpur P.S. Case No.363 of 2021.

After the completion of the aforesaid period from the date of release on provisional bail the petitioner is directed to surrender himself before the court below the very next day and the court below shall send a copy of surrender report to this Court which shall be kept on the record of this case.

However, if the petitioner so advised after completion of the said period upon his surrender before the court below



may pray for regular bail, the court below on the same day in exercise of its statutory power may consider to release the petitioner on such terms and conditions as he may deem fit and proper.

It is made clear that while the petitioner attends the marriage ceremony the local S.H.O., Sonpur, District-Saran is directed to verify as to whether the said marriage is being performed on the date prescribed by the petitioner in the marriage invitation card. If such ceremony is not performed then another FIR should be lodged for giving wrong information to this Court and petitioner be arrested and sent to jail.

Accordingly, the present application is disposed of.

(Purnendu Singh, J)

Prakash Narayan /-

U		T	
---	--	---	--

