

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60197 of 2021

Arising Out of PS. Case No.-413 Year-2019 Thana- SAHPUR District- Patna

Azad Kumar S/o Kedar Dome @ Kedar Ram R/o village- Turha Toli, P.S.-
Shahpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Nikesh, Adv.

For the Opposite Party/s : Mrs.Veena Rani Prasad, 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.

The petitioner seeks bail in connection with Special
Case No.9342 of 2019 arising out of Shahpur P.S. Case No.413
of 2019, registered for the offence punishable under Section
30(a) of the Bihar Prohibition & Excise Act, 2016 as amended
up-to-date.

Learned counsel appearing on behalf of the petitioner
submits that due to inadvertence in paragraph no.1 of the
petition in place of P.S. Case No.413 of 2021 he may be
permitted to correct it as P.S. Case No.413 of 2019 dated
18.10.2019, in course of the day.

Prosecution case in brief is that 112 liters of illicit



liquor has been recovered from the house of Kunal Dome.

Learned counsel appearing on behalf of the petitioner submits that in paragraph no.9 of the application he has made specific statement that nothing has been recovered from his possession or from his house. Petitioner is in custody since 28.08.2021. 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 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 Nandni, D/o Sri Kedarnath, resident of Turhatoli Danapur Cant, Patna. He also informs that the said card bears mobile numbers of Sri Kedarnath, 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 perused 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, Azad Kumar be released on provisional bail for a period of seven 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 Special Judge, Excise, Patna in connection with Special Case No.9342 of 2019 arising out of Shahpur P.S. Case No.413 of 2019.

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. is directed to verify as to whether the said marriage is being performed on the date prescribed by the petitioner in the marriage investigation 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 /-

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