

Cr. Appeal (DB) No.426 of 2024

Shish Mahmood @ Mahmood @ Manmood, aged about 42 years,
son of late Samsuddin Hak, resident of village-Rargaon, P.O.+P.S.-
Tamar, District-Ranchi **Appellant**

Versus

The State of Jharkhand Respondent

**CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE NAVNEET KUMAR**

For the Appellant : Mr. Mukhtar Khan, Advocate
Mr. Raj Kishore Sahu, Advocate
For the State : Mr. Satish Prasad, APP

07/Dated: 28.01.2025

I.A.(Cr.) No.1043 of 2025

1. The instant interlocutory application has been filed for suspension of sentence, provisionally, in order to attend the marriage ceremony of daughter of the appellant, namely, Sharmin Praveen which is to be solemnized on 31.01.2025.
2. Learned counsel appearing for the appellant has submitted that the function of the said marriage ceremony is scheduled to be held from 27th January, 2025 to 03.02.2025 and as such, an application of prayer for suspension of sentence, provisionally, has been filed so that the appellant may come out from the judicial custody in order to attend the marriage ceremony of his daughter.
3. Today, when the matter was heard at 10:30 a.m., Mr. Satish Prasad, learned APP for the State has sought for time in the first round so as to seek instruction regarding the veracity of marriage ceremony of daughter of the present appellant.

4. When the matter has been posted to be heard at 12:30 p.m., the learned APP for the respondent-State has placed a communication dated 28.01.2025, for perusal of this Court, issued by the Officer In-charge of Tamar P.S., Ranchi addressed to the learned Addl. Public Prosecutor.

5. Learned State Counsel has submitted that the said report has been prepared by conducting inquiry from the Mukhiya and other villagers, by which, the fact has been ascertained about the marriage of daughter of the appellant which is to be solemnized on 31.01.2025.

6. This Court has heard the learned counsel for the parties and gone through the prayer made in the instant interlocutory application.

7. We have gone through the communication dated 28.01.2025 referred as "DR-80/2025" addressed to the learned A.P.P., namely, Shri Satish Prasad, which has been placed for perusal of this Court and found therefrom that the issue of marriage is authenticated which is scheduled to be held on 31.01.2025.

8. This Court, considering the aforesaid fact as also considering the fact that the appellant is the father and marriage of whose daughter is to be solemnized on 31.01.2025, therefore, is of the view that the present interlocutory application needs to be allowed.

9. Accordingly, interlocutory application being I.A.(Cr.) No.1043 of 2025 stands allowed.

10. In consequence thereof, the appellant, above named, is directed to be released on provisional bail on furnishing bail bond of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties of the like amount

each to the satisfaction of the learned Addl. Judicial Commissioner-II-cum-Special Judge, NDPS Act, Ranchi, in connection with NDPS Case No.15 of 2020, arising out of Tamar P.S. Case No.11 of 2020.

11. The appellant is directed to surrender before the learned trial Court on or before 10th February, 2025.

12. Let an affidavit be filed by the appellant along with the surrender certificate on or before the next date of hearing.

13. Let this matter be listed on 13.02.2025.

14. Let the communication dated 28.01.2025 referred as “DR-80/2025” issued under the seal and signature of Officer In-charge of Tamar P.S., be kept on record.

15. Let a copy of this order be sent through fax to the concerned court immediately.

(Sujit Narayan Prasad, J.)

(Navneet Kumar, J.)

Rohit/-