

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4088 of 2021

Arising Out of PS Case No.-40 Year-2014 Thana- BIKRAM District- Patna

Varun Kumar @ Varun Kumar Singh, aged about 32 years (Male), Son of
Bhagwan Sharma, Resident of Village- Gobindpur, PS- Bikram, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Natraj Verma, Advocate
For the State	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 03-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Natraj Verma, learned counsel for the
petitioner and Mr. Choubey Jawahar, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with
Bikram PS Case No. 40 of 2014 dated 11.02.2014, instituted
under Sections 19, 21 and 23 of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

4. The petitioner was earlier granted bail by this Court
on 04.08.2014 in Cr. Misc. No. 30291 of 2014 and one of the
conditions was that he shall cooperate in the trial and be present
before the Court on each and every date. The Court had also



indicated that failure to do so on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds. The petitioner having violated the condition, his bail bonds were cancelled on 21.04.2018 and thereafter he was taken into custody on 21.08.2020. Thus, the petitioner has moved the Court for grant of bail.

5. Learned counsel for the petitioner submitted that due to learned counsel not making proper *parvi*, his bail bonds were cancelled.

6. Learned APP submitted that there has been violation of the terms for bail and rightly the bail bonds were cancelled.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that there is deliberate and willful laches on the part of the petitioner. The stipulation in the bail order was that the petitioner shall appear on each and every date. From the order of the Court below it appears that his bail bonds were cancelled on 21.04.2018. It is obvious that the cancellation itself would have been after notice and violation of the terms and conditions of his bail. Even after that, the petitioner was arrested after two years four months, on 21.08.2020. This is proof of the fact that the petitioner was not appearing before the Court for years and, thus, it cannot be said



that it was the fault or laches on the part of his counsel. The direction was for the petitioner to appear before the Court on each and every date. If such is the conduct of the petitioner where he has chosen to flagrantly and deliberately violate the order by not appearing before the Court, it is also an indication of his attitude towards the orders of the Court. Thus, in the considered opinion of the Court, it is fit case where the Court would not grant any indulgence.

8. For reasons aforesaid, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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