

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40662 of 2025

Arising Out of PS. Case No.-181 Year-2009 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Kumar Singh @ Kuvar Singh S/o- Late Barho Singh Resident of Village-
Dariyapur P.S- Barahiya District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 08-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
P.S. Case No. 181 C² of 2009 instituted for the offences under
Sections 47(a) of the Bihar Excise Act.

3. Prosecution case, in short, is that total 70 litres of
country-made liquor was recovered from the petitioner.

4. Learned counsel for the petitioner submitted that
present case is the case of misuse of privilege of bail earlier
granted to the petitioner. Earlier, the petitioner was granted bail
on 16.11.2009 by the learned court below. It is further submitted
that on 02.04.2022, the petitioner was declared absconder and
his bail bonds were cancelled. Learned counsel further



submitted that after the cancellation of the bail bonds, the petitioner surrendered before the court below on 07.02.2023 and thereafter, he was granted bail on 22.02.2023 with the condition that petitioner will appear before the court below in each and every date till framing of charge. However, the petitioner could not physically appear before the learned court below, consequently, his bail bonds were again cancelled on 02.08.2023 and NBW was issued. Learned counsel further submitted that process under Section 82 and 83 CrPC was also initiated against the petitioner and petitioner was against declared absconder on 24.01.2025. Learned counsel further submitted that petitioner surrendered before the learned court below on 21.03.2025 and since then, he is in custody. It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent. Learned counsel further submitted that charge has been framed against the petitioner on 08.05.2025. Learned counsel further submitted that petitioner is aged about 78 years and undertakes to abide by any conditions imposed by this Court, if released on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances



of the case, the undertaking given by the petitioner as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise P.S. Case No. 181 C² of 2009, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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