

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64871 of 2025

Arising Out of PS. Case No.-10 Year-2023 Thana- GOPALPUR District- Gopalganj

Bablu singh Son of Ramayan singh R/o - Shampur Thakurai Bairiya, P.S. -
Uchkagaon, Dist. - Gopalganj. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Upadhaya, Adv.

Mr. Deepankar Raj, Adv.

For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 12-12-2025 Heard Mr. Ashutosh Kumar Upadhaya, learned
counsel for the petitioner and Mr. Binod Kumar No. 3, learned
APP for the State.

2. Petitioner seeks regular bail in connection with
Gopalpur P.S. Case No. 10 of 2023 dated 23.01.2023 registered
for the offence punishable under section 30(a) of the Bihar
Prohibition & Excise Act.

3. As per prosecution story, the informant acting upon
a secret information, intercepted a Pickup van and a car and it is
alleged that 180 litres of English liquor was recovered from the
car, in which the petitioner was also riding and from the Pickup
Van, 720 litres of English liquor was recovered.

4. The main submissions advanced by petitioner's
counsel are that the petitioner was granted provisional bail by
this bench vide order dated 11.05.2023 passed in Cr. Misc. No.



21167/2023 on the condition, which is as under :-

“During the period of his provisional bail, the petitioner shall make his attendance every month at the concerned police station where he is presently residing and if his further activity in similar nature of offence is found then the Police Station concerned shall inform the court concerned regarding the said activity and thereafter concerned trial court shall take serious action against the petitioner by cancelling his bail bond. If the petitioner's further activity in similar type of offence is not found within the said provisional bail period then the trial court shall confirm the privilege of provisional bail and in this regard the trial court shall call for a report from the police station concerned before confirming the provisional bail.”

It is further submitted by petitioner's counsel that the petitioner's provisional bail has not been confirmed and his bail bond has been cancelled by the trial court mainly considering his alleged involvement in Mohammadpur P.S. Case No. 267/2023 in which the petitioner has been falsely roped. It is further submitted that other co-accused persons, namely, Adarsh Kumar Singh @ Bhola Singh and Dhanu Sandip, have been granted bail by a co-ordinate bench of this Court vide order dated 19.05.2023 passed in Cr. Misc. No. 19961/2023. It is lastly submitted that the trial court rejected the petitioner's bail bond in a mechanical manner.

5. On the other hand, learned APP appearing for the State submits that the learned trial court has rightly cancelled



the petitioner’s bail bond and has not confirmed the provisional bail in the light of the condition fixed by this Court as the petitioner’s subsequent direct involvement in Mohammadpur P.S. Case No. 267/2023 has been found, and in the said case, he was apprehended with 1028.1 litres of English liquor and the case diary of the said case is also available before this Court.

6. Considering the above submissions advanced by learned APP and having gone through the case diary of Mohammadpur P.S. Case No. 267/2023, which shows the petitioner’s subsequent involvement in trafficking of large quantity of English liquor and that too after the granting of provisional bail to the petitioner by this bench, which shows the petitioner’s misuse of the privilege of provisional bail and also taking into account the petitioner’s past criminal history, this Court is of the view that the trial court has rightly cancelled the petitioner’s bail bond and has rightly not confirmed his provisional bail. Accordingly, this Court finds no merit in this petition, so, it stands rejected.

7. The trial court is directed to expedite and conclude the petitioner’s trial in the next one year.

(Shailendra Singh, J)

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