

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2003 of 2024

Sunil Kumar, aged about 30 years, Son of Bhikhari Paswan, Resident
of Village-Mahadewan, Jamuhar, P.O. Dehri, P.S. Dehri, District
Rohtas, State Bihar. ... Petitioner

Versus

The State of Jharkhand ... Opposite Party

For the Petitioner : Mr. Santosh Kumar Tiwari, Advocate
For the State : Mr. Bhola Nath Ojha, Spl.P.P.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 with the prayer to quash the order dated 15.04.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge, NDPS, Simdega in N.D.P.S. Case No.03 of 2018 corresponding to T. Tanger P.S. Case No.30 of 2018, whereby and where under consequent upon failure of the petitioner who is the accused person of the case in violating the terms and conditions of the bail granted to him by this Court of remaining present physically before the trial court on each and every date till conclusion of the trial and by not co-operating in framing of the charge even in spite of direction of the trial court to remain physically present in the trial court for the purpose of consideration of framing of the charge; the learned Additional Sessions Judge rejected the prayer of the petitioner under Section 317 of the Cr.P.C. and also

rejected the prayer for time to defer the framing of charge and ordered for issuance of the non-bailable warrant against the petitioner.

3. Learned counsel for the petitioner relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Himanshu Sharma Vs. State of Madhya Pradesh** reported in **2024 INSC 139** and submits that therein the Hon'ble Supreme Court of India has reiterated the well-settled law that the consideration for grant of bail and cancellation thereof are entirely different. Bail granted to an accused can only be cancelled if the Court is satisfied that after being released on bail:-

- (a) the accused has misused the liberty granted to him;*
- (b) flouted the conditions of bail order;*
- (c) that the bail was granted in ignorance of statutory provisions restricting the powers of the Court to grant bail;*
- (d) or that the bail was procured by misrepresentation or fraud.*

4. It is next submitted by the learned counsel for the petitioner that the petitioner is innocent. It is then submitted that Cr.M.P. No.3944 of 2023 has been dismissed as withdrawn on 12.01.2026 which was filed by the petitioner challenging the order dated 16.08.2023 by which, the petition to discharge the petitioner has been rejected. It is then submitted that the learned Additional Sessions Judge-I-cum-Special Judge, NDPS, Simdega has erroneously rejected the prayer for representation through the lawyer dispensing with his personal appearance. Hence, it is submitted that the prayer as prayed for in this Cr.M.P. be allowed.

5. Learned Spl.P.P. appearing for the State on the other hand submits that in the judgment of the Hon'ble Supreme Court of India in the case of **Himanshu Sharma Vs. State of Madhya Pradesh (supra)** itself, the Hon'ble Supreme Court of India has reiterated the settled principle of law that if the accused person to whom the bail is granted, flouts the condition of the bail order, then the bail granted can be cancelled. It is next submitted that in this case undisputed fact remains that the petitioner was granted bail by this Court with the condition that he has to remain physically present before the trial court on each and every date to which the case is fixed till the conclusion of trial but on several occasions, the petitioner has violated the conditions of the bail order passed by this Court and not even on a single occasion after furnishing bail bond, the petitioner has appeared before the learned trial court; on any day to which the case was fixed. Even though the learned trial court directed to remain physically present for the purpose of framing of charge since 20.12.2019 but because of his not remaining physically present before the trial court, charge could not be framed till 15.04.2024, even though the offences involved in this case relates to serious offences inter alia punishable under Sections 20 and 22 of the NDPS Act besides the penal provisions of I.P.C. Hence, the learned Additional Sessions Judge-I-cum-Special Judge, NDPS, Simdega has not committed any illegality by cancelling the bail granted to the petitioner because of flouting the conditions of bail order. Hence, it is submitted that this Cr.M.P. being without any merit be dismissed.

6. Having heard the rival submissions made at the Bar and after going through the materials available in the record, it is pertinent to mention here that it is a settled principle of law as has been held by the Hon'ble Supreme Court of India in the case of **Himanshu Sharma Vs. State of Madhya Pradesh** (supra) that bail once granted can be cancelled, if the accused person flouts the terms and conditions of the bail.

7. Now coming to the facts of the case the undisputed fact remains that the petitioner was granted bail by this Court with the condition that he shall remain physically present before the trial court on each and every date till the conclusion of trial. The undisputed fact remains that though the petitioner was granted bail vide order dated 08.01.2020 passed in B.A. No.9976 of 2019, still till 15.04.2024 for a period of over four years, the petitioner on a single date did not turn up before the learned trial court flouting the condition of the bail granted to him by this Court and because of non-appearance of the petitioner before the learned trial court continuously, the charge could not be framed as yet.

8. Under such circumstances, this Court do not find any illegality in the impugned order dated 15.04.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge, NDPS, Simdega in N.D.P.S. Case No.03 of 2018 corresponding to T. Tanger P.S. Case No.30 of 2018 in cancelling the bail granted to the petitioner for flouting the condition of

the bail order, warranting interference of this Court in exercise of its power under Section 482 of the Cr.P.C.

9. Accordingly, this Criminal Miscellaneous Petition, being without any merit, is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 27th January, 2026
AFR/ Madhav
Uploaded on- 29/01/2026