

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11383 of 2026

Arising Out of PS. Case No.-1 Year-2026 Thana- PHULWARIA District- Begusarai

Golu Kumar Son of Late Shivu Choudhary R/o- Baro Chakahakim, P.S.-
Phulwaria, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Kumar, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in Phulwaria P.S.
Case No. 1 of 2026 dated 02-01-2026, registered under Sections
3(a) of the Bihar Prohibition and Excise Amendment Act.

3. The allegation is of recovery of 4.500 litres of illicit
country-made liquor from the back room of the petitioner's
house.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. It is further submitted that no contraband was
recovered from the conscious possession of the petitioner or
from his house. It is submitted that the seizure list does not
mention any independent witness and only police personnel



have been made witnesses despite the fact that the recovery is alleged to have been made from a densely populated area. It is also submitted that the seizure list has been prepared in violation of the law without following the mandatory provisions of the B.N.S.S. and the Code of Criminal Procedure. Lastly, it is submitted that the petitioner has been in judicial custody since 03-01-2026 and has two criminal cases pending against him, in which he is on bail.

5. Learned Additional Public Prosecutor for the State has opposed the prayer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-1, Begusarai, in connection with Phulwaria P.S. Case No. 1 of 2026, subject to the following conditions:(i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father,



mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till the framing of charge in this case.

7. The application stands allowed.

(Khatim Reza, J)

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