

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40765 of 2026

Arising Out of PS. Case No.-219 Year-2025 Thana- PHULWARIA District- Begusarai

Golu Kumar Son of Dina Ram Resident of village - Phulwaria 01, Barauni Nagar Parishad Ward No.- 08, Durga Asthan, P.S.- Phulwaria, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvottam Kumar

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 30.12.2025 in connection with Phulwaria P.S. Case No. 219 of 2025 for the offences punishable under Sections 8(c), 21(b) of N.D.P.S. Act.

3. The case of the prosecution in brief is that on 29.12.2025 at about 05:30 PM during patrolling at Vatika Chowk, the informant got secret information that two persons were selling substance like Smack in the garden of Pappu Rai situated at Saidpur Tola. Thereafter, the informant and others reached at the spot and found that two persons were warming themselves by fire in the garden. On seeing police force, both



the persons tried to flee, but they were apprehended with the help of police force. Upon query, the said persons stated their names as FIR named accused Md. Azad and Golu Kumar and they also confessed that they were secretly selling smack. Upon searching, substance like brown powder Smack of 09.37 gram from the pocket of Md. Azad was recovered. A realme screen touch mobile, PAN card, Atm card Rs 600/- cash were recovered from the possession of accused Golu Kumar. Accused Md. Azad further stated that as per instruction of Prashant Choudhary @ Mogla, he and Golu Kumar used to sell the smack. They sold three pudia till now and amount of the said pudia was in the possession of Golu Kumar. They used to talk through nobile of Golu Kumar. Thereafter seizure list was prepared at the spot.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel for the petitioner next submits that it appears from the FIR and seizure that altogether 9.37 grams of smack was recovered from the pocket of Md. Azad. It is next submitted that name of the petitioner has transpired on the disclosure made by Md. Azad and except the aforesaid nothing has come to suggest the involvement of the petitioner in the present occurrence. Learned counsel for the



petitioner further submits that the recovered contraband is less than the commercial quantity so there is no embargo of Section 37 of the NDPS Act to enlarge the petitioner on bail. Apart from that while rejecting the bail petition of the petitioner, the learned trial court on 02.02.2026 has recorded that the petitioner has made renewal of the prayer after submission of the charge-sheet. Learned counsel for the petitioner next submits that from perusal of the impugned order it appears that charge now has been framed against the petitioner and petitioner is in custody since 30.12.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and recovery has been made from the possession of the co-accused person, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Principal Sessions Judge, Begusarai in connection with Phulwaria P.S. Case No. 219 of 2025, subject to the following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed 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. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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