

In the Court of Sri Dharmendra Kumar Singh, Principal District & Sessions Judge, Bhagalpur, B.A. No. 231/2026, Rakesh Roy @ Bablu Rai & another Vs. The State of Bihar, order dated 18-03-2026.

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, BHAGALPUR

**Bail Application No. 231/2026
Jagdishpur P.S. Case No. 36/2026**

Rakesh Roy @ Bablu Rai & another Versus State of Bihar

Counsel for the petitioners :- Sri Prabhat Kumar Ojha, Advocate.
For the State :- Sri Sridhar Singh, Special Public Prosecutor.

| Date of Order | Order with Signature of the Court |
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| 18-03-2026 | <ol style="list-style-type: none">1. This is an application for regular bail filed on behalf of the petitioners namely, 1. Rakesh Roy @ Bablu Rai and 2. Mukesh Roy, in connection with Jagdishpur P.S. Case No. 36/2026, instituted for offences u/s 8, 20(B)II, A of N.D.P.S. Act. The petitioners are in custody since 23-02-2026.2. Heard Sri Prabhat Kumar Ojha, learned counsel for the petitioners and Sri Sridhar Singh, learned Special Public Prosecutor for the State.3. Prosecution case as stated in the First Information Report is that on 23-02-2026 at about 16:40 hours, the informant Sub-Inspector Amarjit Kumar, received secret information that in Jagdishpur-Singhnan road sell of illegal Ganja is going on from the shop named as Babloo Pan Bhandar. Thereafter, the informant informed the senior officer and proceeded for verification and necessary action along with Circle Officer, Jagdishpur as well as other police personell and when the police team reached near the shop of Babloo Pan Bhandar, a person started fleeing away but with the help of police force the said person was apprehended and on interrogation the apprehended person disclosed his name as petitioner Rakesh Roy @ Bablu Rai. Thereafter, for the purpose of search, a notice u/s 50 of the N.D.P.S. Act was served upon him and when search of his person was made, nothing incriminating has been recovered but when the search of his shop was made, total 51 pouches in which Gnaja like substance was kept has been recovered and on weighing it was found 230 gram. Accordingly, the recovered contraband material was seized as per seizure list. On further interrogation, the petitioner disclosed that his brother, petitioner Mukesh Rai is also engaged in sell of illegal Ganja from his shop named as Mukesh Store. Thereafter, the police team reached at the place where a person came out from the shop and tried to flee away but the person was apprehended with the help of police force and on interrogation, he disclosed his name as petitioner Mukesh Roy. Thereafter, for |

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the purpose of search, a notice u/s 50 of the N.D.P.S. Act was served upon him and when search of his person was made, nothing incriminating has been recovered but when the search of his shop was made, total 460 gram of Gnaja like substance was recovered. Accordingly, the recovered contraband material was seized as per seizure list. The apprehended persons were formally being arrested and they were remanded to judicial custody. On the basis of typed application of informant the present case has been instituted.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. Entire allegation against the petitioners is false and concocted. In fact, nothing incriminating has been recovered from conscious possession of the petitioners. He further submits that there is no independent witness of seizure list rather seizure list witnesses are police personnel which creates doubt regarding the genuineness of whole prosecution story. The learned counsel for the petitioners fairly concedes that one criminal case is pending against them. The petitioners are in custody since 23-02-2026. He further submits that if the prosecution story is presumed to be true and taken into consideration even then as per FIR total 690 gram Ganja has been recovered from the shops of petitioners, which falls in the category of small quantity.
5. The Learned Special P.P. opposed the prayer for grant of bail to the petitioners.
6. Perused the case record as well as case diary. In course of investigation the I.O. has mentioned the contents of seizure list at para 2 & 3 of the case diary. At para 4 of the case diary the restatement of informant has been mentioned whereas at para 10 and 11 of the case diary the statements of other police witnesses have been recorded and both these witnesses have very categorically and specifically supported the entire prosecution case. As per para 27 of the case diary, it transpires that one criminal case is pending against the petitioner. Investigation of the case is still going on.
7. After having gone through the documents & the materials available on record, this court finds that the accused-petitioners are named in the FIR against whom there is specific allegation that on secret information when the police searched the shops of petitioners, total 690 gram of Ganja was recovered from their respective shops. Further, both the petitioners are full brothers. The petitioners bear criminal

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antecedent.

8. Be that as it may be, the investigation of the case is still going on and an iota of evidence is yet to come.
9. Therefore, considering the aforesaid facts as also the fact that the investigation of the case is still going on and an iota of evidence is yet to come and the petitioners bear criminal antecedent, therefore, this court is not inclined to release the petitioners on bail at this stage. Accordingly, their prayer for bail stands **Rejected**. It is, however, observed that if so advised, the petitioners may renew their prayer for bail after submission of charge-sheet.

Sd/-

(Dharmendra Kumar Singh)
Principal Sessions Judge.

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