

In the Court of Dipankar Pandey, Principal District & Sessions Judge, Bhagalpur, B.A. No. 359/2026, Amit Kumar Vs. The State of Bihar, order dated 28-04-2026.

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, BHAGALPUR

Bail Application No. 359/2026

Bypass P.S. Case No. 37/2026

Amit Kumar Versus State of Bihar

Counsel for the petitioner :- Sri Mohan Lal, Advocate.
For the State :- Sri Sridhar Singh, Special Public Prosecutor.

Date of Order	Order with Signature of the Court
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28-04-2026	1. This is an application for regular bail filed on behalf of the accused-petitioner Amit Kumar, in connection with Bypass P.S. Case No. 37/2026, instituted for offences u/s 20, 22 of N.D.P.S. Act. The petitioner is in custody since 02-03-2026. 2. Heard Sri Mohan Lal, learned counsel for the petitioner and Sri Sridhar Singh, learned Special Public Prosecutor for the State. 3. Prosecution case as stated in the First Information Report is that on 01-03-2026 at 13.45 hours, the informant S.I. cum SHO Suman Kumar of Bypass P.S. received secret information that Amit Kumar running Golu Hotel near Bypass. He used to reside at first floor of the said hotel in which he is keeping brown-sugar and used to sell the same after preparing small pouches. The informant informed the Senior Officer and requested to Sub-divisional Magistrate for deputation of a Magistrate on which R.O. Amar Kumar of Jagdishpur Circle was deputed as a Magistrate. Thereafter, the informant constituted a raiding team and he along with other police personnel as well as deputed Magistrate proceeded for the place and when the police team reached at Golu Hotel of Amit Kumar and raid was made then it was found that the ground floor of the Hotel was locked . Thereafter, the police team went at first floor and knocked the door on which a person came out and having seen the police, he became nervous. On interrogation, the person disclosed his name as Amit Kumar and also disclosed that the house is his own and at ground floor he is running Golu Hotel whereas on the first floor he is residing. Thereafter, for the purpose of search, a notice u/s 50 of NDPS Act was served upon him and in course of search total 41 small pouches were recovered in which brown-sugar like substance was kept, a small electronic weighing machine and a iron foldable knife were recovered. It is

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alleged that when the recovered 41 pouches in which brown-sugar like substance was kept was weighed then it was found 10.29 grams. Further, three android mobile phones were recovered from the room. Upon being asked regarding recovered brown-sugar like substance and mobile phones, the accused Amit Kumar failed to give any satisfactory explanation. Accordingly, the recovered contraband materials, mobile phones and other articles were seized as per seizure list and the apprehended person was formally being arrested. On the basis of self-statement of informant the present case has been instituted and the apprehended accused was remanded to judicial custody.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Entire allegation against the petitioner is false and concocted. In fact, nothing incriminating has been recovered from conscious possession of the petitioner rather as per FIR the recovery has been made from the house which is in joint occupation of other persons. In such situation, no case is made out against the petitioner. The learned counsel for the petitioner conceded that one criminal case is pending against the petitioner. The petitioner is in custody since 02-03-2026.
5. The Learned Special P.P. vehemently opposed the prayer for grant of bail to the petitioner and submitted that the petitioner is named in the FIR with specific allegation that when the police raided the house of petitioner, total 10.29 grams of brown-sugar along with other articles were recovered. The petitioner bears criminal antecedent and the investigation of the case is still going on.
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 of the case diary. At para 3 of the case diary the restatement of informant has been mentioned whereas at para 4 and 5 of the case diary the statements of other police witnesses have been recorded and all these witnesses have very categorically and specifically supported the entire prosecution case. At para 40 of the case diary, the contents of supervision note has been mentioned and from perusal whereof it appears that the case has been found true against the petitioner. As per para 44 of the case diary, 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

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court finds that the accused-petitioner is named in the FIR against whom there is specific allegation that when the police raided the house cum hotel of petitioner, total 10.29 grams brown-sugar like substance, electronic weighing machine and mobile phones were recovered. During course of investigation, the witnesses have supported the prosecution case. The petitioner bears criminal antecedent. The investigation of the case is still going on. The allegation appears to be very serious in nature.

8. Therefore, considering the aforesaid facts, its impact on the society and also the fact that the investigation of the case is still going on and the petitioner bears criminal antecedent, this court is not inclined to release the petitioner on bail. Accordingly, the prayer for bail of petitioner Amit Kumarf stands **Rejected**.

Sd/-

(Dipankar Pandey)
Principal Sessions Judge.

Date of Judgment/Order	28-04-2026
Date of Reserving Judgment/Order	N/A
Uploading Date	29-04-2026
Uploaded by	R.B.D. Tripathi, Steno