

In the Court of Sri Dipankar Pandey, Principal District & Sessions Judge, Bhagalpur, B.A. No. 376/2026, Rakesh Roy @ Bablu Roy & another Vs. The State of Bihar, order dated 18-04-2026.

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, BHAGALPUR

**Bail Application No. 376/2026
Jagdishpur P.S. Case No. 36/2026**

Rakesh Roy @ Bablu Roy & 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
1	2
18-04-2026	1. This is an application for regular bail filed on behalf of the petitioners namely, 1. Rakesh Roy @ Bablu Roy 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. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. He further submits that in the present case the alleged recovery is of 230 gram of Ganja from the shop of petitioner Rakesh Roy @ Babloo Roy and 460 gram of Ganja from the shop of petitioner Mukesh Roy, which falls within the category of small quantity under the provisions of the NDPS Act. It was further submitted that the offence is punishable with a maximum sentence of one year and as per direction of Hon'ble Patna High Court, the same is bailable in nature. The learned counsel for petitioners submits that one criminal case is pending against the petitioners. Earlier, on behalf of petitioners B.P. No. 231/2026 was filed before this court which was rejected on 18-03-2026 with liberty to the petitioners that they may renew their prayer for bail after submission of charge-sheet. Now charge-sheet has been submitted in this case. The petitioners are in custody since 23-02-2026. Accordingly, prayer has been made for releasing the accused-petitioners on bail. 4. The Learned Special P.P. though opposed the prayer for grant of bail to the petitioners but fairly conceded that in the present case small quantity of Ganja has been recovered from the shop of petitioners. 5. Upon careful perusal of the FIR, seizure list, forwarding report and other materials available on record at this stage, it prima facie appears that the present case pertains to recovery of 230 grams of Ganja from the shop of petitioner Rakesh Roy @ Babloo Roy whereas from the shop of petitioner Mukesh Roy 460 gram of Ganja were

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recovered. As per the Notification issued by the Central Government under the NDPS Act, the said quantity squarely falls within the category of **small quantity**.

6. The Hon'ble Patna High Court, in **Criminal Miscellaneous No. 15800 of 2025** and **Criminal Miscellaneous No. 18113 of 2025**, decided on **10-04-2025**, has clearly laid down that where the recovery is of small quantity and the maximum punishment prescribed does not exceed one year, the accused is entitled to be released on bail as a matter of right, subject to satisfaction of bail conditions.
7. In offences involving small quantity, the stringent conditions prescribed under Section 37 of the NDPS Act are not attracted. The maximum punishment provided for such offence is imprisonment which may extend to one year or with fine or with both and therefore, the offence is bailable in nature.
8. In the light of the aforesaid legal position and considering the nature of allegations, quantity of the contraband, stage of the proceedings and the statutory framework, the above named accused petitioners namely **1. Rakesh Roy @ Babloo Roy and 2. Mukesh Roy** are directed to be released on bail, as the offence alleged is bailable. They shall be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each, to the satisfaction of this court with condition that the petitioners shall not indulge in similar type of offence and shall co-operate with the investigation/trial and shall remain present before the court as and when directed, failing which the liberty granted to them shall be liable to cancelled in accordance with law. Further, one of the bailor of each petitioner shall be the family member or close relative.

Sd/-
(Dipankar Pandey)
Principal Sessions Judge.

Date of Judgment/Order	18-04-2026
Date of Reserving Judgment/Order	N/A
Uploading Date	20-04-2026
Uploaded by	R.B.D. Tripathi, Steno