

In the Court of Sessions Judge/Special Judge (NDPS), Patna

Bail Application No.- 421/2026

Kamlesh Kumar @ Bhola Kumar

Petitioner

Vs.

The State of Bihar

Opposite party

Date

O R D E R

07-03-2026

1. This regular bail application has been preferred by **Kamlesh Kumar @ Bhola Kumar** who is in judicial custody since 08.02.2026, in connection with **Parsa Bazar P.S. Case No.74/2026** dated 07.02.2026 registered under Sections 8(c)21(b) of NDPS Act and Section 111(2)(b) of BNS.
2. Heard Smt. Bindu Kumari, learned counsel for the accused-petitioner and Sri Ashok Kumar Sinha, learned Spl. PP on behalf of the State.
3. The prosecution case, in brief, is that on 07.02.2026 the police raided and apprehended the petitioner along with co-accused Sunny Kumar while they were selling smack and Avil injections. Upon search, 4 puriyas of smack weighing 2.10 grams cash Rs. 480/- and 6 injection needles were recovered from the possession of the petitioner.
4. Learned counsel for the petitioner submitted that the petitioner is innocent, committed no offence and has one criminal antecedent. It was further submitted that the petitioner has falsely been implicated in this case and nothing incriminating has been recovered from their possession. It was next submitted that the mandatory provisions of NDPS Act has not been complied by the police and no independent witness has supported the case of the prosecution. The petitioner is in judicial custody since 08.02.2026. On these grounds, prayed for privilege of regular bail.
5. Per contra, learned Special Public Prosecutor vehemently opposed the prayer for grant of regular bail to the petitioner and submitted that total 4 puriyas of smack weighing 2.10 grams has been recovered from the possession of the petitioner. The allegation against the petitioner is serious in nature. It was further submitted that

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investigation is going on and charge sheet is yet to be submitted against this petitioner. Also, the petitioner bears one criminal antecedent of the same nature. Therefore, the petitioner does not deserve the privilege of regular bail.

6. Considering the nature of accusation; although the recovery is of small quantity under the NDPS Act but section 111(2)(b) is non-bailable in nature; nature of offence i.e. severity of punishment in the event of conviction; submissions of learned Special Public Prosecutor; investigation is ongoing and charge-sheet awaited, this Court is of the opinion that it is not a fit case for grant of regular bail to the petitioner.
7. Accordingly, this regular bail application filed on behalf of the petitioner namely **Kamlesh Kumar @ Bhola Kumar** is hereby **rejected**.

(Dictated)

(Rupesh Deo)
Sessions Judge/Special Judge (NDPS),
Patna

Date of Judgment/Order	07.03.2026
Date of Reserving Judgment/Order	26.02.2026
Uploading Date	07.03.2026
Uploaded by	Abhinav/-