

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

Bail Application No.-1272/2026
(Arising out of Kankarbagh P.S. Case No.402/2026)

1. Dipak Kumar -----**Accused-Petitioner**

Vs.

The State of Bihar -----**Opposite party**

Date

ORDER

06-06-2026

- 1.** The present application for regular bail has been filed by **accused-petitioner, Dipak Kumar**, who has been in custody since 04.05.2026 in connection with **Kankarbagh P.S. Case No. 402/2026** dated 04.05.2026, registered under **Sections 21/22(a)/22(b) of the NDPS Act as well as Section 317(5)/3(5) of BNS**.
- 2.** Heard Sri Krishna Prasad, learned counsel for the accused-petitioners and Sri Ashok Kumar Sinha, learned Spl. PP on behalf of the State.
- 3.** The prosecution case, in brief, is that on 03.05.2026 at about 18:30 hours, during a drive against drug addicts, **the petitioner along with his associates, Rahul Kumar @ Gajni and Akshay Kumar**, attempted to flee upon noticing the police near Kali Mandir at Malahi Pakri but were apprehended. On their disclosure, a search was conducted which resulted in **recovery of 102 ampoules ($102 \times 0.6 \text{ mg} = 61.2 \text{ mg} = 0.0612 \text{ gram}$) of Buprenorphine and 89 ampoules of Avil (Pheniramine Injection) from a large plastic bag in their possession**.
- 4.** Learned counsel for the petitioner submitted that the petitioner is innocent, has no prior criminal antecedent, and has been falsely implicated. It was argued that only a small quantity of contraband was recovered, and that mandatory provisions of the NDPS Act were not complied with during investigation. The petitioner has remained in custody since 04.05.2026, and on these grounds, bail was sought.
- 5.** Per contra, learned Special Public Prosecutor contended that **102 ampoules of Buprenorphine and 89 ampoules of Avil were seized**. Relying on the judgment in ***Hira Singh and Anr. v. Union of India and Anr.***, it was emphasized that the entire

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Contd.....
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mixture, including non-narcotic substances, is to be considered contraband, thereby placing the recovered quantity above the threshold of “small quantity.” It was further submitted that the petitioner was apprehended along with co-accused persons in possession of contraband, the investigation is still ongoing, and the charge sheet has not yet been filed. In view of the gravity of the offence, bail was opposed.

6. Upon consideration of the nature of the allegations; the **recovery of approximately 102 ampoules (102 X 0.6 mg = 61.2 mg = 0.0612 gram) of Buprenorphine and 89 ampoules of Avil (Pheniramine Injection)**; having regard to the ratio as given in the Hira Singh (supra); the submissions of the Special Public Prosecutor; petitioner’s active involvement in the alleged offence, and the fact that investigation is still in progress with the charge sheet yet to be filed, this Court is of the view that the case does not warrant grant of regular bail.
7. Accordingly, the application for regular bail filed on behalf of the **petitioner, Dipak Kumar**, stands **rejected**.

(Dictated)

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

Date of Order	06.06.2026
Date of Reserving Order	04.06.2026
Uploading Date	06.06.2026
Uploaded by	Santosh/-