

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

Anticipatory Bail Application No.-2136 of 2026
(Arising out of Mal Salami P.S. Case No.258/2026)

Golu Kumar

-----**Petitioner**

Vs.

The State of Bihar

-----**Opposite party**

Date

ORDER

06-06-2026

1. The present application for grant of anticipatory bail has been filed by the **petitioner, Golu Kumar**, who apprehends arrest in connection with **Mal Salami P.S. Case No.258/2026** dated 30.04.2026, instituted for offences **under Sections 8(c)/21(b) of the NDPS Act**.
2. Heard Sri R. Prasad, learned counsel for the accused-petitioner and Sri Ashok Kumar Sinha, learned Spl. PP on behalf of the State.
3. The prosecution asserts that on 30.04.2026, at approximately 19:40 hours, police arrived beneath the Pirdamariya bridge. Upon noticing their presence, co-accused Mangal Kumar @ Mangal Sharma attempted to flee but was apprehended. A search of his person led to the recovery of 38.30 grams of smack, distributed across 35 sachets. During interrogation, he implicated Golu Kumar (the petitioner) and Santosh Kumar as his associates, stating that he had handed them ₹20,000 from the proceeds of selling 100 sachets of smack.
4. Learned counsel for the petitioner argued that the petitioner is innocent and has been falsely implicated. It was submitted that no contraband was recovered from his conscious possession. Learned counsel further contended that the mandatory provisions of the NDPS Act were not observed during the investigation. On these grounds, the petitioner sought the protection of anticipatory bail.
5. *Per Contra*, learned Special Public Prosecutor opposed the plea for

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anticipatory bail, emphasizing that contraband was recovered from the petitioner's associate and that the petitioner was allegedly involved in the offence in an active manner. He further pointed out that petitioner has prior criminal antecedent (Malsalami P.S. Case No.156/2026 U/s 303(2) of BNS, 2023), and the investigation remains ongoing and the charge sheet has not yet been filed. Given the gravity of the allegations, it was urged that the petitioner is not entitled to anticipatory bail.

6. Having regard to the nature of the offence; the quantum of recovery *i.e.*, **recovery of 38.30 grams of smack**, which exceeds the threshold of small quantity under the Narcotic Drugs & Psychotropic Substances Act; submission of learned Special P.P.; and the fact that investigation is ongoing and the charge sheet is yet to be submitted, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner.
7. Accordingly, the application for anticipatory bail filed on behalf of the **accused-petitioner Golu 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/-