

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

BAIL APPLICATION No.- 1287/2026
(Arising out of Sultanjanj P.S. Case No.199/2026)

1. Rahul Kumar

2. Surya Abhishek

-----**Petitioners**

Vs.

The State of Bihar

-----**Opposite party**

Date

ORDER

30-05-2026

1. The present application for regular bail has been filed on behalf of the **accused-petitioners, 1.Rahul Kumar and 2. Surya Abhishek**, who incarcerated in judicial custody since 09.05.2026, in connection with **Sultanganj P.S. Case No. 199/2026** dated 09.05.2026, registered under **Sections 21/22(a)/25/29 of NDPS Act, Section 111(6) of BNS and Section 25(1-B)(a)/26/35 of the Arms Act.**
2. Heard Sri Vikash Kumar, learned counsel for the accused-petitioner, and Sri Ashok Kumar Sinha, learned Special Public Prosecutor for the State on 26.05.2026. The matter was thereafter fixed for order on 29.05.2026. However, as the Court was not available on the said date, the case was adjourned for today. Since arguments on behalf of both sides have already been concluded, the order is being pronounced today.
3. The prosecution's case, in brief, is that on 08.05.2026 at approximately 20:05 hours, acting on secret intelligence, a raiding team intercepted a red E-Rickshaw and apprehended accused Rahul Kumar along with co-accused Vicky Kumar. A search of Rahul Kumar (the driver) led to recovery of 25 ampoules of Buprenorphine Hydrochloride injection, 48 ampoules of Avil Pheniramine Maleate injection, ₹230, and mobile phones. From Vicky Kumar, 40 ampoules of Buprenorphine Hydrochloride injection, 60 ampoules of Avil Pheniramine Maleate injection, ₹180, and mobile phones were seized. On the disclosure of

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Rahul Kumar and Vicky Kumar, police apprehended co-accused Vishal Kumar and petitioner Surya @ Abhishek while they were allegedly selling contraband injections. A search of Vishal Kumar yielded 13 ampoules of Buprenorphine Hydrochloride injection, 33 ampoules of Avil Pheniramine Maleate injection, ₹250, and mobile phones, while Surya @ Abhishek was found with 09 ampoules of Buprenorphine Hydrochloride injection, 25 ampoules of Avil Pheniramine Maleate injection, and mobile phones. Acting further on the instigation of Vishal Kumar and Surya @ Abhishek, police arrested Afzal and Raju, and searches of their residences led to recovery of 30 ampoules of Buprenorphine Hydrochloride injection, 174 ampoules of Avil Pheniramine Maleate injection stored in a carton, ₹28,560, and an **iron-made loaded automatic pistol with four cartridges** concealed under a bed. **In total, 72 ampoules of Silent injections, 28 ampoules of Leegesie injections, 17 ampoules of Rexogesic injections, and 340 ampoules of Avil injections were recovered.**

4. Learned counsel for the petitioners argued that the petitioners are innocent, have no prior criminal record, and have been falsely implicated. It was further submitted that the contraband was not recovered from their exclusive possession and that the mandatory provisions of the NDPS Act were not duly complied with by the investigating agency. The petitioners have been in judicial custody since 09.05.2026, and on these grounds, a prayer was made for grant of regular bai.
5. *Per contra*, learned Special Public Prosecutor opposed the bail application, contending that a substantial recovery of 72 ampoules of Silent injections, 28 ampoules of Leegesie injections, 17 ampoules of Rexogesic injections, and 340

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ampoules of Avil injections, along with an automatic firearm and cartridges, was made from the petitioners and other accused persons. He further submitted that the investigation is ongoing and the charge sheet has not yet been filed. Given the gravity of the allegations, it was urged that the petitioners are not entitled to regular bail.

6. Having regard to the nature of the accusation; the quantum of recovery of **in total 72 ampoules of Silent injections, 28 ampoules of Leegesie injections, 17 ampoules of Rexogesic injections and 340 ampoules of Avil injections**, which exceeds the threshold of small quantity under the Narcotic Drugs & Psychotropic Substances Act; and also **iron-made loaded automatic pistol with four cartridges** which is a non-bailable offence under Arms Act; submissions advanced by the learned Special Public Prosecutor; and the fact that investigation is ongoing with charge sheet yet to be filed, this Court is of the view that the present case does not warrant grant of regular bail.
7. Accordingly, the application for regular bail filed on behalf of the **petitioners namely Rahul Kumar and Surya Abhishek**, stands **rejected**.

(Dictated)

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

Date of Order	30.05.2026
Date of Reserving Order	26.05.2026
Uploading Date	30.05.2026
Uploaded by	Santosh/-