

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

Anticipatory Bail Application No.-2582 of 2026
(Arising out of Mal Salami P.S. Case No. 296 of 2026)

Rakesh Kumar @ Ritesh Kumar -----Petitioner

Vs.

The State of Bihar -----Opposite party

Date

ORDER

07-07-2026

1. The present application for anticipatory bail has been filed by the **petitioner, Rakesh Kumar @ Ritesh Kumar**, who apprehends arrest in connection with **Mal Salami P.S. Case No. 296/2026 dated 20.05.2026**, registered under Sections 8(c) and 21(b) of the NDPS Act.
2. Heard Sri Rakesh Kumar Mehta, learned counsel for the accused-petitioner and Mr. Ashok Kumar Sinha, learned Spl. PP on behalf of the State.
3. The prosecution case, in brief, is that on 20.05.2026 at approximately 10:00 AM, the informant, along with armed police personnel, proceeded to conduct a special operation involving vehicle check and raids against illegal narcotic activities under the directions of a senior officer. At about 11:30 AM, during vehicle check near Guru Ke Bagh, Bhamari, **two co-accused, namely Bittu Kumar and Roshan Kumar, who were riding a motorcycle, attempted to flee but were apprehended after a chase. Upon search, 26.20 grams of smack was recovered from the possession of Bittu Kumar** along with a Vivo mobile phone. Another Vivo mobile phone was recovered from Roshan Kumar, and the motorcycle bearing registration number BR01BM3685 was seized.

During interrogation, **co-accused Bittu Kumar disclosed that the recovered smack had been supplied by the petitioner, Rakesh Kumar**, for the purpose of illegal sale, and that he, along with Roshan Kumar, was engaged in retail distribution of the contraband. On the basis of such disclosure, the present case was

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

Anticipatory Bail Application No.-2582 of 2026
(Arising out of Mal Salami P.S. Case No. 296 of 2026)

Contd.....
07-07-2026

registered against the petitioner and the co-accused under the relevant provisions of the NDPS Act for illegal possession and trafficking of narcotic substances.

4. Learned counsel for the petitioner submitted that the petitioner is innocent, has no criminal antecedent, and has been falsely implicated due to ulterior motives of the police. It was further contended that no specific allegation has been made against the petitioner and that his implication is based solely on the statement of the co-accused, Bittu Kumar. It was also argued that the petitioner has no connection with the alleged recovery and that the investigating agency has failed to comply with the mandatory provisions of the NDPS Act. On these grounds, prayer was made for grant of anticipatory bail.
5. *Per contra*, the learned Special Public Prosecutor opposed the prayer for bail, submitting that **26.20 grams of smack has been recovered**, which exceeds the prescribed limit of "small quantity" under the NDPS Act. It was further contended that the petitioner was involved in supplying the contraband and was actively participating in illicit trafficking in concert with the co-accused. It was also submitted that the investigation is going on and the charge sheet has not yet been filed. In view of the nature of the allegation and the stage of the investigation, it was argued that the petitioner does not deserve the privilege of anticipatory bail.
6. Upon consideration of the nature of the allegation, the recovery of contraband exceeding the threshold of "small quantity", the submissions advanced by the learned Special Public Prosecutor, the allegation of the petitioner's involvement in a criminal conspiracy relating to illicit trafficking, and the fact that the investigation is still in progress with the charge sheet yet to be filed, this Court is not

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

Anticipatory Bail Application No.-2582 of 2026
(Arising out of Mal Salami P.S. Case No. 296 of 2026)

Contd.....
07-07-2026

inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the application for anticipatory bail filed on behalf of the petitioner, **Rakesh Kumar @ Ritesh Kumar**, stands rejected.

(Dictated)

Sd/-

(Rupesh Deo)

**Sessions Judge/Special Judge (NDPS),
Patna**

Date of Order	07.07.2026
Date of Reserving Order	02.07.2026
Uploading Date	07.07.2026
Uploaded by	Santosh/-