

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

Bail Application No.-1694/2026
(Arising out of Naubatpur P.S. Case No.351/2026)

Dharmendra Kumar

-----**Accused-Petitioner**

Vs.

The State of Bihar

-----**Opposite party**

Date

ORDER

08-07-2026

1. The present application for regular bail has been preferred by the **accused-petitioner, Dharmendra Kumar**, who is in judicial custody since 16.06.2026 in connection with **Naubatpur P.S. Case No. 351/2026** dated 18.05.2026, registered under **Sections 8(c) and 20(b) of the NDPS Act, along with Section 111(1)/3(5) of the BNS**.
2. Heard Sri Ashok Kumar, learned counsel for the accused-petitioner and Sri Ashok Kumar Sinha, learned Special Public Prosecutor on behalf of the State.
3. The prosecution case, in brief, is that on 18.05.2026 at about 08:00 A.M., while the police party was on routine patrolling duty, it received confidential information that a person carrying narcotic contraband in a blue backpack was proceeding towards Naubatpur Police Station via NH-139. Acting upon such information, the police immediately initiated a vehicle checking and surveillance operation. During the operation, one person, namely Shravan Kumar (co-accused), carrying a blue backpack, attempted to flee upon noticing the police but was apprehended. Upon his personal search, 2 kilograms of ganja (including the weight of the polythene packaging) was recovered from the said backpack. The recovered contraband was duly weighed, seized, sealed, and marked in accordance with prescribed legal procedures.
4. During interrogation, the **co-accused Shravan Kumar disclosed that the recovered ganja belonged to the present petitioner, Dharmendra Kumar**, and that he had transported the same on the petitioner's instructions. On this basis, it was alleged that both the co-accused and the petitioner were involved in the unlawful pos-

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session and transportation of ganja, thereby attracting offences under the relevant provisions of the NDPS Act. Accordingly, the present FIR was instituted.

5. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated at the instance of his adversaries in collusion with the police. It was contended that although the petitioner has two prior criminal antecedents, his implication in the present case is based solely on the confessional statement of the co-accused. It was further argued that no incriminating material was recovered from the petitioner's conscious possession and that the mandatory procedural safeguards under the NDPS Act were not complied with during investigation. It was also highlighted that the petitioner has remained in custody since 16.06.2026. On these grounds, prayer was made for grant of bail.
6. Per contra, the learned Special Public Prosecutor opposed the bail application, submitting that **2 kilograms of ganja**, including the weight of the packaging, was recovered, which exceeds the small quantity prescribed under the NDPS Act. It was further submitted that the petitioner has **two prior criminal antecedents**, namely: (i) Raghapur P.S. Case No. 79 of 2025 under Sections 341, 323, 504, and 307/34 of the IPC; and (ii) Bypass P.S. Case No. 175 of 2026 under Sections 8 and 20(b)(ii) (B) of the NDPS Act. It was also emphasized that the co-accused, upon apprehension, disclosed that the contraband belonged to the petitioner and was being transported at his behest. Also, it was pointed out that the investigation is still ongoing and the charge-sheet has not yet been submitted. In light of the seriousness of the offence, it was prayed that the bail application be rejected.
7. Upon consideration of the nature and gravity of the allegations; the recovery of 2 kilograms of ganja (which exceeds the small quantity threshold under the NDPS

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Act); the submissions advanced on behalf of the State; the petitioner's two prior criminal antecedents including one under the NDPS Act; the allegation that the contraband was supplied by the petitioner for transportation and distribution, and the fact that the investigation is still in progress with the charge-sheet yet to be filed, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the application for regular bail filed on behalf of the **petitioner, Dharmendra Kumar**, stands **rejected**.

(Dictated)

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

Date of Order	08.07.2026
Date of Reserving Order	07.07.2026
Uploading Date	09.07.2026
Uploaded by	Santosh/-