

**In the Court of Sessions cum Special Judge NDPS Act, Vaishali**  
**A.B.P. No. 1349 of 2026**  
**Raghopur PS Case No 45 of 2026**

Kamlesh Ray, son of Nagdev Ray, aged about 28 years, resident of village-Rampur Shyamchand, P.S. Raghopur, District Vaishali.

Petitioner

Vs

State

Opposite party

Appearance

For the petitioner: Learned Advocate Sri Amarjeet Kumar

For the prosecution: Learned Special PP Sri Sumit Kumar

**21.05.2026** Heard the learned defence counsel as well as learned Public Prosecutor on the anticipatory bail application filed on behalf of the above named accused petitioner under section 482 of B.N.S.S. who is apprehending his arrest in connection with Raghopur P.S. Case No. 45 of 2026 registered under section 8(c), 20(b)(ii)(B), 25 and 29 of the NDPS Act.

It is stated in para 2 that no bail application either regular or anticipatory has been filed on behalf of the petitioner earlier either before this court or before the Hon'ble High Court Patna. It is also mentioned in para-3 that petitioner has no criminal antecedent.

The learned Counsel for the petitioner has submitted that from the prosecution case, F.I.R., and seizure list, it appears that the allegation made by the Police is ex-facie mala fide because nothing has been recovered either from the physical possession or from the constructive possession of the petitioner. It has been further submitted by the Ld. Counsel on behalf of the petitioner that the said material which is said to be Ganja, which has not been testified by the NDPS kit by the Police, the petitioner has not been arrested from place of occurrence, alleged seized substances has not been seized from possession of the petitioner. The petitioner has no any concern with seized substances or place where from alleged recovery has been shown by the Police, the petitioner lives separately with wife and children. The name of petitioner has been dragged in this case, on the basis of he is family member of other accused and nothing else. Besides this, the petitioner has no any criminal antecedent. It is, therefore, the Ld. Counsel on behalf of petitioner, prayed to enlurge the petitioner on Anticipatory Bail.

Learned APP for the State has vehemently opposed the prayer for bail.

The case of the prosecution, in brief, is that on 04.02.2026, on the basis of secret information, a raid was conducted at the house of petitioner Rajesh Ray situated at the house of accused Rajesh Ray. Upon arrival of the Police party, three persons attempted to flee, out of whom two persons namely Rajesh Ray and Nagdev Ray were apprehended at the place of occurrence. After complying with the provisions of Section 50 of N.D.P.S. Act and in presence of independent witnesses and Magistrate, search of the house was conducted. During the search, ganja(contraband

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**Contd**

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substance) was recovered from the house in plastic bags. The total recovered quantity has been shown to be 7 kg 160 grmas, packed in different packets. The said recovered substance was seized and a seizure list was prepared in accordance with law. During interrogation, it also transpires that the apprehended accused persons were involved in the illegal trade of ganja and the contraband was kept for the purpose of sale.

From perusal of the record, it transpires that the name of the petitioner has been surfaced in this case, on the basis of the confessional statement of the co-accused. The co-accused have stated in his confession that present petitioner namely Kamlesh Rai along with another accused namely Mukesh Kumar used to buy ganja from Mirpur (Mohanpur) and both the apprehended accused used to sell it in retail. During search of the other accused of this case, a huge amount of ganja i.e., 7 kg 160 gram of Ganja (more than small quantity) recovered from the possession of the other accused persons. The informant namely Shailesh Kumar Singh, SI in his re-statement in para-5 and the witnesses vide para nos. 6 has supported the case of the prosecution. The seizure list witnesses namely Suresh Marandi Constable No. 202 and Mukesh Kumar Constable No. 73 have also supported the case of the prosecution, their statement is mentioned in para-7 of the case diary. The investigation against co-accused Rajesh Ray and Nagdev Ray has been completed and the charge-sheet has been submitted against them, whereas, the investigation against the present petitioner is under process.

The small quantity of Ganja is 1 kg and the commercial quantity of Ganja is 20 kg. 7 kg 160 gram of Ganja (more than small quantity) recovered from the possession of the other accused which is much more than the small quantity.

Considering the facts and circumstances of the case and particularly allegations against the petitioner and his involvement is serious in nature, and in view of the specific nature of allegation, the Court is not inclined to enlarge the petitioner on anticipatory bail. Hence, the anticipatory bail application of the petitioner is hereby dismissed.

Harshit Singh  
Sessions Judge  
21.05.2026