

GAHC010075002023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/1301/2023

JAY PRAKASH CHAUHAN
S/O SURESH CHAUHAN
PERMANENT RESIDENT OF VILL- KUCHIAN GAON, P.O.JENGKHA
KHERONI, P.S. KHERONI, IN THE DISTRICT OF KARBI ANGLONG, ASSAM,
PIN-782448
PRESENTLY RESIDING AT INSTITUTE COLONY, JALUKBARI, GUWAHATI,
IN THE DISTRICT OF KAMRUP (M), ASSAM

VERSUS

THE UNION OF INDIA
REP. BY THE STANDING COUNSEL, NARCOTICS CONTROL BUREAU,
GUWAHATI ZONAL UNIT, GUWAHATI.

Advocate for the Petitioner : MR. M KALITA

Advocate for the Respondent : SC, NCB

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

19.06.2023

Heard Mr M Kalita, learned counsel appearing for the petitioner and Mr S C Keyal, learned Standing Counsel, NCB appearing on behalf of the respondent.

2. By this application filed under Section 438 CrPC, the petitioner, Sri Jay Prakash

Chauhan has sought for pre-arrest bail, who is apprehending his arrest in connection with NCB Crime No. 02/2023, under Section 8(c) read with Section 20 (b) (ii) (c) and 29 of the NDPS Act, 1985.

3. The brief facts of the case is that on 15.02.2023, on receiving an information from a reliable source, the Intelligence Officer, NCB, Guwahati Zonal Unit, Guwahati, along with the NCB team, on 16.02.2023, intercepted the Tata Container Truck bearing No. AS-01 NC 5201 and during search, total 570.807 kgs ganja was recovered and seized and two persons, namely Jay Kumar Chauhan @ Joykumar Chouhan and Bhuwah Chauhan were arrested, who had revealed that the petitioner is the registered owner of the said Tata Container Truck and that he was also the supplier of the seized ganja.

3. Learned counsel for the petitioner has submitted that the petitioner is no way connected with the alleged offence in connection with NCB Crime No. 02/2023. The petitioner is the registered owner of the TATA Container vehicle bearing No. AS-01 NC 5201. So, he submits that he may be extended the privilege of pre-arrest bail.

4. On the other hand, learned Standing Counsel has vehemently opposed to the bail prayer made on behalf of the petitioner. Referring to the Status Report submitted by the NCB, Mr Keyal submits that the two aforesaid accused persons had admitted their conscious involvement in trafficking of ganja. The arrested accused Jay Kumar Chauhan is the cousin brother of the petitioner, Jay Prakash Chauhan. The arrested accused persons also stated that they took the aforesaid TATA container truck as per the direction of the present petitioner and that the seized ganja was supposed to be delivered to one person named Munnu at Masadh, Ara, Bihar and earlier also they had delivered ganja to that person. It is further submitted that the Registration Certificate, of the aforesaid vehicle, Insurance-cum- policy schedule document etc. which were seized, reflect the name and mobile numbers of the present petitioner, Jay Prakash Chauhan, respectively, as the owner of the truck.

5. It is also submitted that though notices under Section 67(c) of the NDPS Act, 1985

was sent to the petitioner, but he neither appeared before the Investigating Officer nor made any communication with the NCB, Guwahati. Under such backdrop, direct involvement of the petitioner, Jay Prakash Chauhan in trafficking of the aforesaid seized ganja, which is of commercial quantity, in the instant case, cannot be ruled out and as such, his bail prayer may not be accepted.

6. I have considered the submissions made by the learned counsel for both the parties. Also perused the status report of the NCB.

7. In view of the facts and circumstances of the case and having regard to the submissions made by the learned counsel for both the parties as well as the status report, this Court is of the opinion that custodial interrogation of the petitioner would be necessary for further investigation in the matter. Accordingly, the bail prayer made on behalf of the petitioner is rejected.

8. With the aforesaid observations, this Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant