

Court No. - 88

Case :- APPLICATION U/S 482 No. - 27572 of 2023

Applicant :- Jai Hind Pal @ Jai Kumar Pal

Opposite Party :- Union of India

Counsel for Applicant :- Vijaya Nand Maurya

Hon'ble Sanjay Kumar Singh,J.

1-Heard Mr. Vijaya Nand Maurya, learned counsel for the applicant, Mr. Ashish Pandey, learned Special Prosecutor appearing on behalf of Narcotics Control Bureau (NCB).

2-This application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash the non-bailable warrant dated 11.01.2022 and proceedings of Criminal Misc. Case No. 22 of 2022 arising out of Case Crime No. 26 of 2020, under Sections 8/20/29 N.D.P.S. Act, Police Station N.C.B. Lucknow, District Gorakhpur pending in the court of Additional District & Sessions Judge/Fast Track Court, Room No. 1 (Crime Against Women), District Gorakhpur.

3-The brief facts of the case are that on 16.09.2020, 1050.700 kg of ganja kept in an oil tanker was recovered and the same was seized. In the said incident, three persons namely Kuldeep Kumar, Kunal Singh and Vikesh Kumar were arrested. During investigation, complicity of the applicant came into light in the confessional statement U/s 67 of N.D.P.S. Act of accused-Kuldeep Singh, wherein he has disclosed that they brought ganja from one Rakesh Daimari @ Mamu @ Mama, loaded the ganja from Arunachal Pradesh. The ganja was to be delivered to a person namely Jaikumar Pal (applicant) at a place which is bit away from Azamgarh. Thereafter, several summons were issued to the applicant for recording his statement under Section 67 of NDPS Act but he did not turn up. Thereafter, an application was moved by the prosecution for issuance of non-bailable warrant against the applicant, which was allowed vide order dated 11.01.2022, which is the subject matter of challenge in the present

application.

4-It is submitted by learned counsel for the applicant that he was not apprehended at the spot and he has no concern with this case. The allegation against the applicant is false. Learned counsel for the applicant, after advancing his arguments at some length and putting certain query with regard to non-appearance of applicant before the investigating officer despite receiving summons did not give satisfactory reply and he could not point out any illegality in the order dated 11.01.2022. Later, he gave up his challenge to the aforesaid impugned non-bailable warrant and criminal proceedings against the applicant and confined his submission requesting to grant some protection to the applicant to surrender before the concerned court below. The learned counsel for the applicant further stated at the Bar that he is not pressing any other prayer made in this application on merits and prayed that a direction may be issued to the concerned courts below to consider and decide the bail application of the applicant expeditiously.

5-Mr. Ashish Pandey, learned Special Public Prosecutor (Narcotics) appearing on behalf of N.C.B. submits that in case the applicant is not pressing the relief as sought for by him on merits and wants to surrender before the concerned court below, he has no objection.

6-In view of the above, the relief as sought by the applicant in the instant application is refused.

7-However considering the aforesaid alternative prayer made by learned counsel for the applicant, it is directed that the applicant shall surrender before the concerned court below within two weeks from today and in case applies for bail, the bail application of the applicant shall be disposed of expeditiously by the courts below in accordance with law and keeping in view the guidelines as laid down by the Apex Court in the case of Satender Kumar Antil vs Central Bureau of Investigation and another, reported in 2021 SCC Online SC 922.

8-For the period of two weeks from today or till the time of surrender of the applicant before the concerned court below, whichever is earlier, the non-bailable warrant dated 11.01.2022 shall be kept in abeyance.

9-With the above observations and directions, this application under Section 482 Cr.P.C. is ***disposed of***.

Order Date :- 3.11.2023

Saurabh