

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.139 of 2021

Arising Out of PS. Case No.-5 Year-2019 Thana- NIA District- Patna

Mukesh Singh @ Pinku Son Of Lok Nath Singh Resident Of Village- Barap,
P.S.- Garhani, District- Bhojpur (Ara), At Present Flat No. 504, Pramila Sudha
Kunj, R.K. Puram, P.S.- Danapur, District- Patna.

... .. Appellant/s

Versus

The Union Of India through N. I. A., India.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Ranjan, Advocate
For the Respondent/s : Mr. Manoj Kumar Singh, S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

4 26-10-2021 Heard Mr. Sanjeev Ranjan, learned counsel for the
petitioner and Mr. Manoj Kumar Singh, learned Special Public
Prosecutor, N.I.A.

This appeal under Section 21(4) of the National Investigation Agency Act, 2008 has been preferred by the appellant for setting aside the order dated 17.09.2020 passed in Special Case No. 02 of 2019 by the learned Special Judge, National Investigation Agency, Patna whereby the prayer for grant of bail of the appellant in connection with Special Case No. 2 of 2019 arising out of R.C. Case No. 5 of 2019/NIA-DLI registered under Sections 414, 467, 468, 471 and 474 of the Indian Penal Code and 25 (1)(a), 25(1-A), 25 (1-AA), 25(1-B)(a), 26, 29 and 35



of the Arms Act and 16, 17, 18, 18 (B) and 19 of the Unlawful Activities (Prevention) Act 1967 was rejected.

Mr. Sanjeev Ranjan, learned counsel appearing for the appellant submitted that the appellant has been falsely implicated in this case on the basis of confessional statement of one Suraj Kumar recorded under Section 164 of the Code of Criminal Procedure (for short 'Cr.P.C.'). He submitted that the statement made under Section 164 of the Cr.P.C. has not been supplied to the appellant till date. He contended that the appellant is in custody since 7th of March, 2019 for no fault on his part. The transaction of money made from the account of the appellant to the account of Ningkhan Sangtam was a *bona fide* transaction. He further contended that the money was transferred for purchasing arms from aforesaid Ningkhan Sangtam. He submitted that there is no truth behind the allegation of smuggling of sophisticated weapons from across Myanmar border with the help of Naga undergrounds.

The submissions made by the learned counsel for the appellant have been vehemently opposed by the learned Special Public Prosecutor appearing for N.I.A. He has drawn our attention towards the report submitted under Section 173 (2) of the Cr.P.C. by the N.I.A. on completion of investigation. He contended that the appellant has a criminal record. He is accused in at least three other cases such as Baisi P.S. Case No. 41 of 2019 registered under



Section 25 (1-B) and 26 of the Arms Act, Danapur P.S. Case No. 112 of 2019 registered under Section 25 (1-B) of the Arms Act and Charpokhari P.S. Case No. 35 of 2014 registered under Section 7 of the EC Act. He contended that the present case relates to recovery of parts of AK-47 rifle and two Under Barrel Grenade launchers and one magazine of AK-47 rifle along with 1800 live cartridges which were kept concealed and were being transported in white colour TATA Safari vehicle. The arms and ammunition seized from vehicle at Baisi in the District of Purnea, Bihar. He submitted that the call detail records of the mobile phone of the appellant also establishes his link with the alleged suppliers of the sophisticated weapons. The sophisticated illegal arms were seized on 07.02.2019 and three accused persons were arrested. One of the accused namely Suraj Prasad disclosed in his statement that he along with two others received consignment of arms and ammunition from Ningkhan Sangtam and was enroute to deliver the same to the appellant and one Santosh Kumar at Patna. He stated that co-accused Santosh Kumar transferred Rs. 9 lakhs to Ningkhan Sangtam through hawala prior to the delivery of consignment which was intercepted and seized. He contended that the smuggling of sophisticated weapons from across Myanmar border with the help of Naga undergrounds had been corroborated by the witnesses as well during the course of investigation.



He further contended that the scrutiny of bank account statement of the appellant establishes the transaction of money from the bank account of the appellant to the bank account of Ningkhan Sangtam and also in the bank account of Tsipongla Sangtam, wife of accused Ningkhan Sangtam which has been brought on record.

Having heard the parties as well as considering the gravity of the offence, the materials collected during investigation and the criminal record of the appellant, we do not find any error in the impugned order passed by the court below. Accordingly, the appeal preferred against the impugned order is rejected.

(Ashwani Kumar Singh, J)

(P. B. Bajanthri, J)

GAURAV S./-
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