

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 529 OF 2021**

Ajit Kumar Singh
S/o. Rameshwar Singh

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

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Mr. Sujit Sahoo i/by Mr. Vikas Yadav, Advocate for Applicant.
Mr. Y. M. Nakhwa, A.P.P. for the State-Respondent.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 3rd MARCH, 2021**

PC.

The applicant is apprehending arrest in C.R. No.65 of 2020 registered with Karjat Railway Police Station for the offences punishable under Sections 8 (c), 20, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985. The First Information Report was registered on 21st April 2020.

2. On 19th April 2020 while the Security Officer was on duty it was noticed that the train was parked in railway yard due to lockdown. On checking, the door of luggage compartment was found slightly open. Some bags were lying in the compartment. There was a strong smell from the gunny bags. It was suspected that bags were containing narcotic

drugs. The information was given to the concerned Officer. Thereafter, the Officers inspected the luggage compartment. Information was provided to Assistant Security Commissioner, Kalyan and it was informed that the Officer from NCB would be informed about the finding of the bags containing contraband. However, nobody from the NCB had turned up. Security guard were appointed at the compartment. On 20th April 2020 NCB was contacted and instructions were obtained. It was informed that due to lockdown, the officers are not in a position to visit the place of incident. The information was given to Railway Police Station, Karjat Station and they were intimated to visit the spot. Thereafter, the Senior Inspector of Police attached to Karjat Railway Police Station visited the compartment. The panchas were arranged. They took such of luggage compartment. The bags were brought to the Railway Station. On scrutiny, it was found that the bags were containing Ganja. 133.830/- Kgs. Ganja worth of Rs.13,83,300/- was found in the bags. It was seized. Panchnama was recorded. The train had departed from Vishakhapatnam to Lokmanya Tilak Terminus.

3. The contention of the applicant is that he is having a small business of transporting spare parts and other legally transportable

material as per the order of placed by clients. One such consignment was booked by the applicant on 21st March 2020 under his name which consisted of auto parts. It was supposed to be delivered at Pune. The applicant is relying upon the bill dated 21st March 2020. The parcel was booked at Vishakhapatnam Railway Station on 21st March 2020 and after following the due procedure the Railway Station Authority had booked the parcel for Pune. The applicant had submitted declaration and after satisfaction of the Railway Authority, the parcel was booked. This would reveal that the parcel did not contain alleged contraband material/ganja at the relevant time. The parcel remained in possession and under the supervision of Railway Authority for a period of one month. On 24th March 2020 lockdown was imposed on account of spread of corona virus which had resulted in restriction on movement but also affected working of railways and transportation. The parcel booked by the applicant remained in possession of Railway Authority. Since parcel did not reach the destination, the applicant wrote letter dated 6th July 2020 to Pune Railway Authority inquiring about the details of the parcel which was booked by the applicant. Inventory panchnama was drawn on 1st May 2020. The applicant is not concerned with the contraband. The bags

were found tampered. There is every possibility that some other person is involved in the transportation of ganja. The applicant has been falsely implicated in this case. The normal procedure was followed by the Railway Authority in accordance with the rules and regulations. The procedure which is normally followed is to check the parcel and obtain declaration from the sender of parcel. After inspection, it is forwarded to its destination. In the present case the parcel booked by the applicant was not in his possession after it was handed over to Railway Authorities at Vishakhapatnam.

4. There is no link to suggest that the applicant has supplied and sold the alleged ganja to any other person. The applicant is willing to co-operate with the investigation. He need not be subjected to custodial interrogation. Reliance is placed on the decision of the Supreme Court in the case of **Gangadhar @ Gangaram Vs. State of Madhya Pradesh (2020) 9 SCC 202** and decision of the Delhi in **Dalip Singh @ Langda Vs. State (NCT of Delhi) 2019 SCC OnLine Del 6494.**

5. Learned APP submitted that there is sufficient evidence showing complicity of the applicant in the offence. The investigation is in

progress. Custodial interrogation of the applicant is necessary. Learned APP pointed out the investigation papers and contended that the documents and the statements recorded during investigation indicate the involvement of the applicant in this crime. After registration of the crime Ramu Kumar Saroj was arrested. It was disclosed that the applicant had sent the contraband articles in his favour. The applicant and Ramu Kumar Saroj are in constant contact with each other since last one year. From July 2020 to October 2020, the applicant had sent 50 parcels to Ramu Kumar Saroj. The applicant and Ramu Kumar Saroj had telephonic conversation for about 469 times a year. The involvement of the applicant in crime is prima facie seen and therefore his custodial interrogation is necessary.

6. Ramu Kumar Dindayal Saroj was arrested on 23rd October 2020. The name of the person sending the parcel from Vishakhapatnam was Ajit Singh and the name of the person to whom it was sent was Ramu Kumar Saroj. Ajit Kumar Singh (Applicant) was resident of Vishakhapatnam and Ramu Kumar was residing at Pune. After the arrest Ramu Kumar was produced before the Court for remand on 24th October 2020. He was remanded to Police custody. He was again produced for

remand on 28th October 2020. It was revealed during investigation that there were several mobile calls between Ramu Kumar and the applicant. Ramu Kumar was to receive the contraband containing Ganja. Several parcels were forwarded by applicant to Ramu Kumar in the past. The accused further disclosed that few days ago, the applicant had forwarded the parcel which was received by Ramu Kumar and at his instance it was handed over to the person named Prem Narayan. Hence, the Police proceeded to Vishakhapatnam to find out whereabouts of the applicant. The arrested accused Ram Kumar was again produced for remand on 2nd November 2020 and was further remanded to police custody. The order dated 28th October 2020 shows that the accused is involved in the offence under the provision of NDPS Act and the accusations against him are well founded. Huge ganja was seized and the address of principal accused Ajit Singh is to be ascertained. One Police team had already reached to Vishakhapatnam for search of Ajit Singh. I have perused the investigation papers placed for consideration by learned APP. Prima facie, the complicity of the applicant is disclosed. Hence, no case for grant of anticipatory bail is made out.

ORDER

- (i) Anticipatory bail application No.529 of 2021 is rejected.
- (ii) It is clarified that the observations made in this order are prima facie for considering the application for anticipatory bail.
- (iii) Application stands disposed of.

(PRAKASH D. NAIK, J.)