

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29359 of 2021**

Arising Out of PS. Case No.-22 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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Bablu Kumar Singh Son Of Lalan Kumar Singh @ Lalan Singh Resident Of
Village- Sirsia, Police Station- Barahara, District- Bhojpur

... .. Petitioner/S

Versus

The Union Of India New Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate
For the Opposite Party/s : Mr. K.N. Singh, Special P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
CAV ORDER**

15 23-09-2022 Heard learned counsel for the petitioner and learned
Special P.P for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 354, 504 and 506/34 of the Indian Penal Code.

The prosecution case in short is that a complaint
petition was filed by the complainant, namely, Rahul Kumar
Purbey, Intelligence Officer, Narcotics Control Bureau, Patna
alleging therein that on 06.11.2019 at about 9 P.M. a secret
information was received that one truck bearing registration
no.WB-73E-4090 was carrying huge quantity of ganja from
Raigarh (Chhattishgarh) to Sakaddi. Accordingly, a team of
NCB constituted on 07.11.2019, the team reached at Sakaddi.



When they found the said truck was coming, they stooped the truck near Sakaddi More and searched the truck in the present of independent witnesses and apprehended to the driver of the truck who disclosed his name Rajesh Kumar. The driver accepted that the ganja has been concealed in the truck. 49 bags, i.e., total 774.8 k.g. containing brown colour substance believed to be ganja was recovered. The statement of the driver Rajesh Kumar was recorded by the NCB team under Section 67 of NDPS Act who disclosed that he is carrying ganja of this petitioner and ganja was being carried at the instance and demand of this petitioner Bablu Kumar Singh and one Chhoutu who was the partner of the petitioner.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that confessional statement made before police officer shall not be proved against a person accused of any offence, therefore, the statement of co-accused can not be used against the petitioner. He further submits that from perusal of the confessional statement of co-accused Rajesh Kumar, it is transpired that said Rajesh Kumar did not give any details of one Chhotu. In the entire transaction/transportation of Opium Poppy (ganja), he met with one Chhotu and never met with this



petitioner for such transportation. According to the confessional statement, the petitioner is not involved in the transaction/transportation of such Opium Poppy (ganja).

Learned Special P.P appearing for the N.C.B opposed the anticipatory bail and submitted that in compliance of notice under Section 67 of the NDPS Act, voluntarily statement of accused Rajesh Kumar was recorded and in follow up action one Tunu Mahto was also examined under Section 67 of the NDPS Act wherein he voluntarily confessed his role in trafficking of the sealed ganja weighing 774.80 kg. During voluntarily statement, said Tunnu Kumar @ Nunu revealed that he came to contact with Pintu Singh (mobile no.814415336) and Babloo Kumar (petitioner) mobile no. 9472602750, 7970926531 in 2019 during which he attempted by Babloo Kumar, (this petitioner) and Pintu Singh that there is huge profit of ganja. From the statement of co-accused Tunnu Mahto & Nunnu, this fact came into light that Bablo Kumar Singh had directed them to bring the loaded truck of ganja which was to be received by this petitioner and his associate Pintu @ Chotu. The CDR linked has also been established. It is further submitted that as per CAF mobile no.9472602750 was found in the name of this petitioner and the address given in the CAF also



corroborates that the address as revealed by co-accused Rajesh and Tunna Mahto @ Nunnu. It is further submitted that the data in details provided by Bharti Air tel Ltd., it was found that on mobile no.9556020195 of the Abdul Hafiz, the supplier of the seized contraband, had conversation with the petitioner on his mobile no. 9472602750 on five (5) occasion. It is further submitted that the investigation in respect of the supplier Abdul Hafiz in the instant case is also going on and the investigation against this petitioner is in progress. It is further submitted that the recovered ganja is come within the purview of commercial quantity. It is further submitted that according to provision of Section 37 of the NDPS Act, the petitioner is not entitled to grant anticipatory bail.

After considering the facts and circumstances and rival contentions made by the respective parties, it is apparent that the CDR analysis of the mobile number used by the petitioner indicate that the petitioner was in regular touch with the co-accused who were known to him and the co-accused Rajesh Kumar and Tunna Mahto @ Nunnu stated in their statement that the recovered ganja was being carried at the instance of demand of this petitioner. It is also apparent that the recovered ganja is of commercial quantity. Investigation against



this petitioner is also going on. As such, I am not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is rejected.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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