

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24919 of 2022**

Arising Out of PS. Case No.-22 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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SHOUBHIK PAL Son of Late Bholanath Pal Resident of 303, Brigade Hillview, 3 Gavipuram, Gutthalli, K. G. Nagar, P.S. and District - Kempegowda Nagar, Bengaluru South, Karnataka - 560018

... .. Petitioner

Versus

The Union of India through the Zonal Director, Narcotic Control Bureau, D and F Block, 4th Floor, Karpoori Thakur Sadan, CGO Complex, Ashiyana Digha Road, Patna - 800025, Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bhola Kumar
For the Opposite Party/s : Mr.K.N. Singh(Asg)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 05-09-2022 Heard Mr. Alok Kumar Sinha, learned Senior Counsel on behalf of the petitioner and Mr. A.K. Pandey, learned counsel for the Narcotics Control Bureau (hereinafter for short 'the NCB').

2. Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

3. The petitioner is in judicial custody in connection with N.D.P.S. Case No.139 of 2021 arising out of F. No. NCB/PZU/V/22/2021 instituted under Section 8(c)r/w 20(b)(ii)(A)/22(C)/29 of N.D.P.S. Act.

4. As per the prosecution story, it is alleged that



the Narcotics Control Bureau got information that the accused Praveen Singh is going to book a parcel containing LSD. Upon information, the Zonal Director, NCB, Patna was informed, a raiding team was constituted and after following all the necessary guidelines, the officials took position at DTDC Office at Saguna More.

5. When the accused person arrived at the said place, he was intercepted and his name was inquired. Further allegation is that the parcel booked by him was taken out by the Manager and was opened in the presence of the independent witnesses. It is further been alleged that five ruling blank papers having LSD blots weighing 0.08 grams was recovered/seized.

6. Further upon his disclosure of having booked one more envelope, the team visited Ramjaipal Nagar Post Office from where they got information that it has been despatched to RMS (NSH), Patna Junction. The team thereafter reached RMS and after apprising the official, took charge of the said envelope. Upon opening the said envelope, eleven blots of LSD weighing 0.21 gram as also 1.51 gram of '*charas*' were recovered/seized in the presence of the independent witnesses. It is further alleged that the



accused made statement under Section 67 of the NDPS Act disclosing that he is involved in the alleged blots and '*charas*'. It was in the aforesaid circumstance that the FIR No.NCB Crime/Case No.22 of 2021 was instituted on 28.09.2021 and he was arrested.

7. The said accused Praveen Singh in his confessional statement named this petitioner as the person who was to be delivered one of the envelope. Accordingly, this petitioner was called by the prosecution side and thereafter after interrogation he was arrested and is in judicial custody since 3.2.2022.

8. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession and only because the envelop was marked by the accused Praveen Singh to be sent him, he cannot be made an accused in his case. It is his further submission that he has already suffered by being in custody since 3.2.2022 and is ready to abide by any terms and conditions if granted the privilege of bail.

9. In this case, 'the NCB' has filed counter affidavit.

10. Mr. Awadhesh Kumar Pandey, who represents



the opposite party has submitted with the help of the counter affidavit that the matter relates to 0.21 grams (11 blots) of LSD and 1.51 grams of 'Charas' and as the petitioner was alleged receiver of the seized contraband articles, he cannot escape his responsibility from it. With further help of Para-6, he submits that upon call, the petitioner appeared before the Enquiry Officer on 1.2.2022 at Narcotic Control Bureau, Bangalore office in compliance of the notice under section 67 of the NDPS Act, 1985 and in his statement he accepted that:

(i) the seized 0.21 grams (11 blots) of LSD and 1.51 grams of 'Charas' were ordered by him through 'Telegram APP' and the same was to received by him;

(ii) it was his sixth order and prior to that also, he had received LSD drugs using same 'Telegram APP' through courier on his address;

(iii) all payments were made to Praveen Singh through UPI.

11. He as such submits that only thereafter he was taken into custody and through transit remand produced



before the learned Sessions Judge, Patna on 2.2.2022 whereafter he was sent to the judicial custody.

12. The learned counsel further submits that from the Bank account of Praveen Singh (Kotak Mahindra Bank), it is clear that the petitioner deposited 11,000/- on 25.8.2021 and Rs. 5800/- on 26.8.2021 in the said account through UPI. Further, from the Union Bank of India account of Praveen Singh, it was found that the petitioner deposited 6,500/- on 23.06.2021 through UPI. He thus submits that the chain of sending envelope to the petitioner is complete inasmuch as pursuant to the order being given and payment made, the envelope was to be delivered to him and as such he cannot exonerate himself from the responsibility.

13. It is his last submission that Praveen Singh has been denied bail in Cr. Misc. No. 18140 of 2022 on 26.07.2022.

14. This Court has gone through the facts of the case. As per table/chart in the NDPS Act 0.002 grams comes within the category of small quantity whereas 0.1 gram is commercial quantity.

15. It is an admitted fact that the envelope that was marked to the petitioner herein contained 0.21 grams (11



blots) of LSD and 1.51 grams of ‘Charas’ .

16. Considering the fact that the envelope was marked to the petitioner and there was also transaction record of the petitioner vis-a-vis the accused Praveen Singh as also the fact that the quantity comes within the category of commercial use, this Court for the present is not inclined to extend the privilege of bail to him which is accordingly rejected.

(Rajiv Roy, J)

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