

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26542 of 2023

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 R/O 303, Brigade Hill View, 3 Gavi
Puram, Gunahalli, Bagappa Road, K.G. Nager, P.S. And District-
Kempegowda Nager, Bengaluru, South, Karnataka Petitioner/s

Versus

The Union Of India Trhough The Zonal Diretor, Narcotics Control Bureau, D
And F Block, 4th Floor Karpoori Thakur Sadan, C.G.O. Complex, Ashiyana-
Digha Road, Patna Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. K.N. Singh(A.S.G.)
For the Union of India : Ms. Shail Kumari (C.G.C)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 12-07-2023 Heard Mr. Yogesh Chandra Verma, learned Senior

counsel appearing for the petitioner and Ms. Shail Kumari

learned Central Government Counsel.

The petitioner is in custody in connection with Special
Case No. (NDPS) 139 of 2021 (arising out of NCB Case No.
NCB/PZU/V/22/2021) for the offence registered under Sections
20(B) (ii) (a), 22 (c) and 29 of the NDPS Act.

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 ISD. 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.

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.

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.

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.

Earlier the petitioner moved in Cr. Misc. No. 24919 of 2022 which came to be rejected on 05.09.2022.

Once again the present bail petition.

It has been contended by the learned Senior Counsel that there is no recovery and/or nothing has been recovered from his conscious possession and only because the envelop was marked to him, his name has come. His further submission is that it would reflect from the counter affidavit itself that the petitioner upon summoned by the Narcotic Control Bureau, Bangalore on 01.02.2022 appeared on his own and gave his statement. This shows his bona fide.

It is his further submission that there have been some bank transactions with the main accused for which he has already suffered, is a young working professional, do not have criminal antecedent and has been victim of circumstances. Further, he is in custody since 03.02.2022 (as stated in paragraph-12 of the petition). The last submission is that he is ready to abide by all the terms and conditions if granted bail.

Ms. Shail Kumari, learned Central Government Counsel, on the other hand, submits that he was one of the active member of the said transaction which reflects from the



counter affidavit as also statement of account of his bank and it is her submission that since one of the envelop was marked to him and he was supposed to receive the same, his role cannot be ignored.

Having heard the parties and taking into account the fact that although one of the alleged consignment that was recovered/seized from the DTDC office and second from RMS, Patna, was marked to the accused person, it never reached him and as such it cannot be said that he was in conscious possession of the alleged seized material and/or he had asked for it, is a young professional, has no criminal antecedent and already remained in custody since 03.02.2022, this court is inclined to extent him privileged with the strict conditions.

Let the petitioner be released on bail on furnishing bail of Rs. 50,000/- (fifty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -XVIII, Patna in connection with Special Case No. (NDPS) 139 of 2021 (arising out of NCB Case No. NCB/PZU/V/22/2021 subject to the following conditions:

(i) both the bailors should be the family members of the petitioner who shall provide official documents to show his/her *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(v) he shall surrender the passport, if any, before the Trial Court at the time of furnishing of the bail bonds.

With the aforesaid observations, the bail application stands allowed.

(Rajiv Roy, J)

Jagdish/jyoti/-

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