

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19692 of 2024

Arising Out of PS. Case No.-7 Year-2023 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

Ajay Kumar Singh, aged 30 years, Male, Son of Late Ram Balak Singh,
Resident of Vill.- Makhdumpur, P.S.- Bihiya, Dist.- Bhojpur.

... .. Petitioner

Versus

- 1. The Union of India through its ND.P.S. New Delhi.
- 2. The State of Bihar.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. N. K. Agrawal, Sr. Advocate, Mr. Rajani Ranjan Pd. Singh, Advocate and Mr. Kumar Rajdeep, Advocate.
For the State	:	Mr. A.P.P.
For the U.O.I.	:	Mrs. Shail Kumari, C.G.C.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 13-08-2024 Heard learned senior counsel for the petitioner, learned
counsel for the Union of India and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
N.D.P.S. Case No. 23 of 2023, arising out of N.C.B. Case No.
07 of 2023 dated 26.03.2023 registered for the offences
punishable under Sections 8 (C), 20 (B)ii (c), 25 and 29 of the
N.D.P.S. Act.

3. As per the prosecution case, the informant got
confidential information on 25.03.2023 at about 9.30 A.M., that
one Manoj Rai will proceed from Tejpur (Assam) with Truck
bearing Registration No. BR30GA 6402 having a huge quantity



of *Ganja* and he will be reached on 26.03.2023 at Jai Shiv Line Hotel, Piprakhurd, Supaul at 8.00-10 A.M. via- New Jalpaigudi-Kishanganj-Araria. The receiver of the said *Ganja* is the co-accused Gulab Singh @ Kari Baba and who belongs to Supaul and he would go to Saharsa with the said Truck from the said hotel. It is further alleged that on that basis, he constituted a raiding team and went to the place of occurrence on 26.03.2023 at 8.30 A.M. and on the request of the said raiding party, two persons, namely, Amodhi Mandal and Ranjan Kumar were made seizure list witnesses and as soon as the said raiding party parked their vehicles near the hotel, two persons who were taking rest, one of them, after seeing the N.C.B. vehicles, tried to flee away towards his vehicle (white Honda City Car) but the said raiding party caught him and who disclosed his name as Mohan Jamatia and other person disclosed his name as Gyani Jamatia. It is further alleged that the co-accused Mohan Jamatia has also disclosed that they were waiting for one Gulab Singh @ Kari Baba so the N.C.B. team searched the said Honda City Car bearing Registration No. ASO1BK 8200 and recovered 14.7 k.gs., of *ganja* from the said Honda City car. It is further alleged that in the meantime, one Truck bearing Registration No. BR30GA 6402 entered the Hotel and due to suspicion, N.C.B.



team became conscious and caught one person who got down from the said Truck who disclosed his name as the co-accused Manoj Rai and on search, 259 kgs., of *Ganja* was recovered from the said Truck. It is further alleged that the process of seizure was going on, in the meantime, a call was received on the mobile of the co-accused Manoj Rai bearing Mobile No. 6200427770 from the Mobile No. 9233477082 and on query, the co-accused Manoj Rai said that the receiver of the said *Ganja* is one Gulab Singh @ Kari Babu and on call, he said that Gulab Singh @ Kari Baba is calling and he would reach within 10-15 minutes in Jai Shiv Line Hotel, Piprakhurd and this process was going on 26.03.2023 at about 6.00 P.M. Thereafter, the N.C.B. team was waiting for Gulab Singh @ Kari Baba. It is further alleged that after half an hour, two persons also came on a Renault Car bearing Registration No. BR01FR 1534 in the campus of Jai Shiv Line Hotel and on query, they disclosed their names as Gulab Singh @ Kari Singh and Aashish Kumar and on search, Form No. 22, Insurance Certificate, Tax Invoice, Service Repair Slip and Money Receipts were recovered from the said Renault Car bearing Registration No. BR01FR 1534.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been



implicated in the present case. It is submitted that the petitioner is not named in the F.I.R. No incriminating article has been recovered from his possession nor he was arrested on the spot. It is further submitted that during the course of investigation, the N.C.B., came to know that the said Renault Car bearing Registration No. BR01FR 1534 is registered in the name of the petitioner, so, the N.C.B. noticed him under Section 67 of the N.D.P.S. Act and he appeared before the N.C.B. on 10.06.2023 and the N.C.B. arrested him on the same day in his office. It is further submitted that the real fact is that the co-accused Gulab Singh @ Kari Baba has settled the marriage of his daughter with the petitioner and he had purchased the said Renault Car bearing Registration No. BR01FR 1534 to gift the family of the petitioner but before the marriage, the co-accused Gulab Singh @ Kari Baba was arrested with the said car so the marriage could not take place. It is further submitted that save and except this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. In fact, the petitioner has never confessed anything before the N.C.B. but the N.C.B. creates his confession and took signature of the petitioner and arrested him. The petitioner has no concern either with the vehicles or with the alleged recovered *Ganja* as stated



in paragraph no. 12 of the bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 10.06.2023.

5. Learned A.P.P. for the State and learned counsel for the Union of India have vehemently opposed the prayer for bail petition of the petitioner. Learned counsel for the Union of India has filed a counter affidavit on behalf of the Union of India and has submitted that the petitioner arranged 259 kgs., of *Ganja* and made it loaded by one Assamese boy @ Rupanta Bora in Truck bearing Registration No. BR30GA6402 of the co-accused Manoj Rai and the co-accused Manoj Rai was to deliver the same to the co-accused Gulab Kumar Singh @ Kari Baba, Supaul at the instance of the petitioner. The petitioner was known to the co-accused Mohan Jamatia as Brajesh. He sent the rest consignment of *Ganja* with the help of his friend Karan and Suresh @ Shyamal Debbama by the co-accused Mohan Jamatia in Honda City Car bearing Registration No. AS01BK-8200 for its delivery to the co-accused Gulab Kumar Singh @ Kari Baba. He was continuously in touch with the co-accused Manoj Rai of seized contraband and the receiver Gulab Kumar Singh @ Kari Baba. The co-accused Manoj Rai himself identified the photo of the petitioner as supplier of seized contraband. The said Renault



vehicle bearing Registration No. BR01FR 1534 was also found registered in the name of the petitioner. He has further submitted that the co-accused Mohan Jamatia in his statement has stated that one person, namely, Brajesh with the Mobile No. 9233477019 directed him to deliver the recovered 14.07 kgs., *ganja* to the co-accused Gulab Singh @ Kari Baba at Jai Shiv Line Hotel. The co-accused persons Manoj Rai and Gulab Singh @ Kari Baba in their statements revealed the mobile numbers of the petitioner as 9233477019 and 8480102660. It is further submitted that on analyzing the IMEI of the aforesaid two mobile numbers, it is found that the IMEI of Mobile No. 9233477019 is 35011028-4-853750 and same of Mobile No. 8480102660 is 35011028-1-853750. On analyzing the same from IMEI calculator, both IMEI learn to be connected to a single phone i.e., 105(2019) Nokia 2013. The petitioner informed about his arrest to his friend Mithilesh Dubey having Mobile No. 7070702662. On analyzing of CDRs of Mobile No. 9233477019 as said to be of Brajesh by the co-accused Mohan Jamatia in his statement), a conversation at 22:13:16 on 25.03.2023 with Mithilesh Dubey on Mobile No. 7070702662 was noticed. It is further submitted that all these facts and finding substantiate that the suspect Brajesh and the petitioner



are the same person.

6. Considering the aforesaid facts and circumstances of the case as well as the fact that there is no recovery of any contraband from the Renault Car bearing Registration No. BR01FR 1534 which is registered in the name of the petitioner, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-III, Supaul in connection with N.D.P.S. Case No. 23 of 2023, arising out of N.C.B. Case No. 07 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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