

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44097 of 2024

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

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Gulab Kumar Singh @ Kari Singh @ Gulab Singh @ Kari Baba S/O LATE
VISHNUDEV SINGH Resident of Village- Saroja, P.S.- SIMRI
BAKHTIYARPUR, DIST- SAHARSA, BIHAR

... .. Petitioner/s

Versus

THE UNION OF INDIA THROUGH PARAMHANS KUMAR, JUNIOR
INTELLIGENCE OFFICER, NARCOTICS CONTROL BUREAU, INDIA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Harshit Griyaghey, Adv.
For the Opposite Party/s :	Dr. K.N. Singh (Asg), APP
For the N.C.B.	Mrs. Shail Kumari, C.G.C.

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

ORAL ORDER

4 05-09-2024 Heard learned 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 petitioner Gulab Kumar Singh 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 he 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 Kumar Singh, 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 Kumar Singh and on call, he said that Gulab Kumar Singh 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 Kumar Singh. 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 Kumar Singh(petitioner) 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. No incriminating article has been



recovered from the possession of the petitioner. The name of the petitioner has transpired in this case on mere suspicion. 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 co-accused, Ajay Kumar Singh, 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 petitioner Gulab Kumar Singh has settled the marriage of his daughter with the co-accused, Ajay Kumar Singh and he had purchased the said Renault Car bearing Registration No. BR01FR 1534 to gift the family of the co-accused but before the marriage, the petitioner Gulab Kumar Singh 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 co-accused in the present case. In fact, the co-accused has never confessed anything before the N.C.B. but the N.C.B. creates his confession and took signature of the co-accused 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 one criminal antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 27.03.2023. The co-accused has been granted regular bail by this Court vide order dated 13.08.2024 passed in Cr. Misc. No. 19692 of 2024.

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 submitted that the co-accused, Ajay Kumar Singh 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 petitioner Gulab Kumar Singh @ Kari Baba, Supaul at the instance of the co-accused. The co-accused 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 (petitioner). The co-accused Manoj



Rai himself identified the photo of the co-accused as supplier of seized contraband. The said Renault vehicle bearing Registration No. BR01FR 1534 was also found registered in the name of the co-accused, Ajay Kumar Singh. 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 petitioner, Gulab Kumar Singh @ Kari Baba at Jai Shiv Line Hotel. The co-accused persons Manoj Rai and the petitioner Gulab Kumar Singh @ Kari Baba in their statements revealed the mobile numbers of the co-accused 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 co-accused, Ajay Kumar Singh 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 co-accused are the same person.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, 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 Special Judge, NDPS, Supaul, Bihar in connection with N.D.P.S. Case No. 23 of 2023, arising out of N.C.B. Case No. 07 of 2023, with the condition:-

(i) That the petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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