

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52559 of 2023

Arising Out of PS. Case No.-24 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Aurangabad

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Ramlal Singh @ Ramesh Singh Son of Ramchandra Singh Resident of
Village - Lakshanpur, P.S. - Muffasil Ara, Distt. - Bhojpur, Ara

... .. Petitioner/s

Versus

The Union of India Ministry of Home Affairs NCB (Patna)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Adv. Mr. Alexander Ashok, Adv.
For the UOI	:	Ms. Shail Kumari, C.G.C.

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

7 27-02-2024 Heard learned counsel for the parties and perused the
case diary.

2. The petitioner seeks bail in connection with N.C.B.
Cr. No. 24 of 2021 arising out of Gr. No. 21 of 2021 instituted
for the offences under Sections 8(c), 20, 25 and 29 of the
N.D.P.S. Act, 1985.

3. As per prosecution case, the police has recovered
994 Kgs. narcotics substance i.e. Ganja from the Tata Highva
Dumper vehicle. It is alleged that several persons including the
petitioner were involved in the alleged smuggling.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case and thus, the allegation against the petitioner is totally false and baseless. He further submits that the name of the petitioner has surfaced in this case on the basis of confessional statement of the co-accused/Bhuteli Sahni and he has named the accused due to enmity. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and he has no concern with the seized narcotic substance or the seized vehicle. The petitioner has two criminal antecedents under the N.D.P.S. Act as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 24.05.2023.

5. Learned counsel for the Union of India and the N.C.B. have vehemently opposed the prayer for grant of bail to the petitioner. It is stated that all the co-accused persons have disclosed in their voluntarily statement under Section 67 of the N.D.P.S. Act, 1985 that the supplier of the seized 994 Kgs. of Ganja was the petitioner Ramlal Singh and on thorough analysis of the CDRs of mobile numbers, the conversation between the accused and co-accused Bhuteli Sahani and with other co-accused persons were found and the petitioner also has



confessed his involvement in the trafficking of Ganja. He further submits that the Ganja recovered is far above the commercial quantity and, thus, the petitioner does not deserve bail. Learned counsel for the N.C.B. by filing counter affidavit in the matter has submitted that the seized quantity of Ganja is 994 Kgs. which is 49 times more than the commercial quantity and thus, Section 37 of the NDPS Act will come into play.

6. Considering the entire facts and circumstances of the case and the rival submissions made by the learned counsel for the parties as also considering the statement of the accused person under Section 67 of the N.D.P.S. Act as also the quantity of the alleged contraband, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected for the present, with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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