

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72361 of 2024

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 Late Ram Chandra Singh Resident of
Village - Lakshanpur, P.S. - Muffasil Ara, District - Bhojpur

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Adv.
Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Ms. Punam Kumar Singh, C.G.C.

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

ORAL ORDER

3 06-12-2024 Heard learned counsel for the petitioner and learned
counsel for the NCB. Perused the case diary.

2. This is the second attempt of the petitioner for grant
of bail. The petitioner has earlier moved before this Court with a
prayer for bail which was rejected vide order dated 27.02.2024
passed in Cr. Misc. No. 52559 of 2023.

3. The petitioner seeks bail in connection with
Narcotics Control Bureau P.S. Case No. 24 of 2021 instituted
for the offences under Sections 8(c), 20, 25 and 29 of the
Narcotic Drugs and Psychotropic Substance Act.

4. 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.

5. 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.

6. Learned counsel for the N.C.B. has 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. She 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. further submits 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.

7. Learned counsel for the N.C.B. has filed counter affidavit. In paragraph no.20 of the same, it has been stated that the petitioner has admitted his guilt in his statement recorded under Section 67 of the NDPS Act and has also accepted of his being involved in three NDPS cases vide NCB Patna Crime No. 24/2021 & 25/2021 and NCB Ranchi Crime No. 12/2021. In Para-23, it has been stated that the co-accused Bhuteli Sahani, Pappu Sahani, Anand Kumar Singh and Sheojee Singh have stated in their respective voluntary statement that the petitioner is the only person who supplied the seized 994 Kgs of Ganja and the petitioner has accepted the same in his voluntary statement dated 06.06.2023.



8. Considering the entire facts and circumstances of the case and considering the statement of the accused person under Section 67 of the N.D.P.S. Act, the quantity of the alleged contraband being much more than the commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act and the petitioner being member of the criminal conspiracy, this Court is not inclined to grant bail to the petitioner.

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

(Rudra Prakash Mishra, J)

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