IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 6135 of 2024

Towkir Alam @ Taukir Alam aged about 28 years son of Abdul Rashid resident of village Purio, Tangar Wasuli Road P.O.- Kesa police station-Bero District-Ranchi … … Petitioner

- Versus -

The State of Jharkhand ... … Opposite Party

WITH

B.A. No. 9160 of 2024

Raja Kumar, aged about 24 years, son of Mani Saw, resident of Village Murhu Basti, P.O. & P.S. Murhu, District- Khunti (Jharkhand)

… … Petitioner

- Versus -

The State of Jharkhand ... … Opposite Party

WITH

B.A. No. 6747 of 2024

Sudhir Kumar, aged about 42 years, son of Saligram Sahu, Resident of Main Road, Murhu, P.O. and P.S. Murhu, District -Khunti. … … Petitioner

- Versus -

The State of Jharkhand ... … Opposite Party

WITH

B.A. No. 5506 of 2024

Anjul Minz, aged about 34 years, son of Jeorge Minz, resident of Village- Dudri, PO & PS: Murhu, District-Khunti … … Petitioner

- Versus -

The State of Jharkhand ... … Opposite Party

WITH

B.A. No. 7042 of 2024

Raju Bhagat @ Raju Prasad @ Raju Prasad Bhagat @ Hemand Raju Bhagat, aged about 44 years, son of Late Bhuneshwar Bhagat, resident of Main Road, Murhu, Near Mahadev Manda, P.O. Murhu, P.S. Murhu, District Khunti

… … Petitioner

- Versus -

The State of Jharkhand ... … Opposite Party

CORAM: - HON'BLE MR. JUSTICE AMBUJ NATH

For the Petitioners : M/s. A. K. Chaturvedy, Advocate
: M/s. Ankit Apurva, Advocate
: M/s. R. S. Mazumdar, Sr. Advocate
: M/s. A. K. Sahani, Advocate
: M/s. Indrajit Sinha, Advocate
For the State : M/s. B. N. Ojha, Spl.P.P
: M/s. A. K. Tiwari, A.P.P
: M/s. Lily Sahay, A.P.P

08/03.12.2024 Heard the Parties.

All these bail applications arise out of same police case. Accordingly, they are being disposed of by a common order.

Petitioners have been made an accused in connection with Sukhdeo Nagar P. S. Case No. 261/2024 (N), registered under Sections 15(C)/22 of the N.D.P.S. Act, pending in the Court of learned Special Judge, NDPS Act, Ranchi.

On 18.05.2024 at about 09:00 A.M., Sukhdeo Nagar Police on the basis of confidential information laid ambush near Pahari Mandir, Purani Ranchi and intercepted a red color Baleno Car bearing registration no. JH-08-F-0455.

Petitioners Anjul Minz, Sudhir Kumar and Raju Bhagat were found sitting in the said vehicle and on search 80 kgs of poppy husk was recovered from the said vehicle. All the three petitioners confessed that they are associates of petitioner Towkir Alam @ Taukir Alam, who was also transporting poppy husk to Jamshedpur. The police party on the basis of their confession,

rushed towards Jamshedpur and on their pointing out seized a Bolero pickup van bearing registration no. JH-09-AZ-2761 and apprehended the petitioner Towkir Alam @ Taukir Alam and on search 620 kgs. of poppy husks were seized from the pickup van and apprehended the petitioners Towkir Alam @ Taukir Alam and Raja Kumar.

Learned lawyer appearing for the petitioner Towkir Alam @ Taukir Alam submitted that the search and seizure was not in accordance with the rules. It was further submitted that the seized packets of poppy husk were not sealed at the place of occurrence.

Learned lawyer for the petitioners Raju Bhagat, Anjul Minz and Sudhir Kumar submitted that the Baleno was not intercepted near Pahari Mandir, Sukhdeo Nagar, rather it was intercepted at Bundu Toll Plaza and police has wrongly shown the place of occurrence of the seizure of 80 kgs of poppy husk near Pahari Mandir.

It was further submitted that the seizure witnesses are police personnel whereas it is mandated that the seizure witnesses should be independent witnesses. It was further submitted that police had manufactured the entire occurrence showing the search and seizure from a place near Pahari Mandir. It was finally submitted that samples were not drawn from each and every bag of poppy husk as per the rules.

Report was earlier called for from the learned trial court that whether the samples were drawn from each of the bag so recovered from the possession of the petitioners or not, the report has been received in which it has been stated that 50 grams of samples were drawn from each of the bag in the presence of the Magistrate, which were sent to Forensic Science Laboratory for chemical examination.

It appears that commercial quantity of poppy husk were recovered from the possession of the petitioners and there does not appear to be any irregularity in drawing of samples of poppy husk

so recovered from the possessions of the petitioners for sending the same for forensic examination.

Regard being had to the facts and circumstance of the case; I am not inclined to enlarge the petitioners on bail. Accordingly, their prayer for bail is hereby rejected.

(Ambuj Nath, J.)

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