

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1930 of 2025

Arising Out of PS. Case No.-5 Year-2024 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Begusarai

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Kandiya Ravi Kumar Mahipatbhai @ Ravi Kumar Mahipatbhai Kandiya S/o-
Sri Mahipatbhai Kandiya Resident of Opp. Post Office, Jetpar, Rajkot, P.S.
Jetpar, District Morbi (Gujarat)

... .. Petitioner/s

Versus

The Union Of India through the Narcotic Control Bureau Patna Zonal Unit,
Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kejriwal, Advocate Mr. Mohit Agrawal, Advocate
For the Opposite Party/s :		Dr.K.N. Singh, Advocate, ASG Mrs. Shail Kumari, CGC

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 16-05-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection
with NDPS Case No. 13 of 2024 arising out of NCB
(Crime) Case No. 05 of 2024 registered under Sections 8(c),
21(c), 25 and 29 of the NDPS Act.

3. The prosecution story in short is that on a
secret information received by the Inspector, N.C.B, Patna
on 12.03.2024 that one freight train which originated from
Morbi (Gujarat) and was going to Tripura was carrying
huge consignment of codeine bases cough syrup which falls
under the Narcotic substance under the NDPS Act and



which was stated to be concealed in three containers. The said train was intercepted at Bacchwara Junction Railway Station and upon search, the contraband substance was recovered from three containers and the suspects were arrested. The FIR also stated that a search cum seizure list was prepared on 30.03.2024 wherein it suggests that a total of 9000 kgs (approx) of Phensedyl Cough Syrup was recovered hidden in brown colour carton box having mark of Kitchen sink. On the basis of the aforesaid information and search cum seizure, a formal case was registered.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It has been submitted by the learned counsel that initially the case was instituted against unknown persons and the petitioner has been implicated only on the pretext that he was the consignor and owner of M/s. Royal Luxuar Bath Ware who had sold Vitrified Tiles, Glass Basin Set, Vitrosa Set, Tap Roll, Orissa Pan and Urinal of different quantities to the consignee, M/s. Gramin Floor Telecom Centre situated at Bashpukur, High School, Bashpukur Bazar, Paharpur, Sepahijala, Tripura. The learned counsel



for the petitioner submits that the petitioner is wrongly stated to have been shown as the consignor of the said contraband goods and it has been asserted that the petitioner has no role to play in the matter of selection of mode of transportation or the matter of booking of containers. It has been submitted that the petitioner being the seller is only required to get the goods loaded in the container and the owner of the container is required to take the goods at the time of loading and prepare an inventory of the same. It has further been submitted that the petitioner during the course of business had supplied certain articles for a value of Rs. 3,25,983/-, Rs. 3,711,71/- and Rs. 3,37,472/- respectively, and for which invoice was also raised in the name of the purchaser. The learned counsel for the petitioner submits that the petitioner has no concern with the alleged carton boxes marked as 'Kitchen Sink' as the petitioner do not deal in sale or purchase of hardware items. The learned counsel for the petitioner has also submitted that the provisions of Section 21, 25 and 29 of the NDPS Act are not attracted against the petitioner and the allegation of criminal conspiracy alleged against the petitioner is not substantiated



by any material submitted by NCB. It has lastly been submitted that the petitioner has one criminal case pending against him which was registered in the State of Gujarat in which the investigation is over and charge sheet has already been submitted and the petitioner is in custody in the said case since 08.03.2024 and has been taken on remand in the present case and is languishing in jail since 11.07.2024 after his remand.

5. The learned counsel for the petitioner has drawn the attention of this Court towards the counter affidavit filed on behalf of the NCB wherein the complaint has been brought on record and he refers to para 70 of the complaint wherein it has been submitted that the accused no. 2 Masud Alam, a representative of Tiles firm Sajda Begum developed a good relation with the accused no. 1 Ravi Bhai Kandiya (petitioner) and he along with accused no. 3 Abdul Mannan had approached the petitioner for delivery of onward consignment. The learned counsel for the petitioner has tried to show that it was the two co-accused namely Masud Alam and Abdul Mannan who were instrumental in sending the said contraband items hidden with the items



ordered by them from the petitioner. The learned counsel for the petitioner has also tried to make a point by referring to the invoices wherein the item (Glass Basin Set) was invoiced and money was raised against the consignee.

6. The learned counsel has referred to paras 58 and 59 of the said complaint which is contained with the counter affidavit, wherein the NCB has stated that through the transactions made between the consignor and the transporter it is very much evident that Abdul Mannan and Masud Alam were involved in trafficking of seized contraband and thus, he points out that the NCB has itself not observed that the petitioner was also part of the trafficking gang.

7. The learned counsel on behalf of the NCB has stated that the NCB has filed a counter affidavit/written objection and has brought on record the complaint which was made before the learned Court below bringing on record the entire facts as to how the petitioner was connected with the said transportation of the contraband goods which was concealed in between the goods being supplied from the petitioner to the consignees. The learned



counsel for the NCB has also pointed out to Annexure A to the counter affidavit which is statement of one Jaipal Sharma which was recorded under Section 67 of the NDPS Act. In the statement the said person had disclosed that it was the petitioner who had booked the consignment and he has also revealed that the owner of both Panchratna Ceramics and Royal Luxury Bath Ware is Ravi Kumar (petitioner). The learned counsel for the NCB has also pointed out to para 72 of the complaint wherein it has been stated that all the consignments sent to Grameen Phone Telecom Centre were containing illegal CBCS concealed under tiles and the accused no. 2 Masud Alam, who has a tiles firm in his mother's name as Sajda Begum firm, used the firm Grameen Phone Telecom Centre conspiring with its proprietor, accused no. 3 Abdul Mannan. It has been stated that payments were settled by unaccounted money through bank accounts of Bishal Uddin and fintech merchant Remitpe. The seized contraband i.e., Phensedyl Cough Syrup was being transshipped by accused no. 2 concealed in Tiles and Sanitary item in tandem with accused no. 1 (petitioner) and accused no. 3 Abdul Mannan using GST



number of accused no. 3. It has also been disclosed that the Phensedyl Cough Syrup was to be smuggled to Bangladesh and the Sanitary item and Tiles was to be used by accused no. 2, Masud Alam in his Tiles firm namely Sajda Begum and thus, all the three accused are engrosely involved with other known and unknown persons. The learned counsel for the NCB has further submitted that Jaipal Sharma, Manager, ATM Cargo Movers Pvt Ltd, Morbi in his statement has disclosed that he had sent the said containers for loading tiles etc at Royal Luxuary Bath Ware and also provided mobile numbers of the truck drivers to Ravi Bhai i.e, the owner of the Royal Luxuare bath Ware (petitioner). It has been stated by the said Jaipal Sharma that the said three containers were loaded and sealed by 28.02.2024 and dispatched on 06.03.2024 through a freight train and Jaipal Sharma has also identified the photo of the owner of Royal Luxury Bath Ware and Panchratna Ceramics as Ravi Bhai Kandiya(petitioner). Lastly, the learned counsel for the NCB has stated that the petitioner is directly involved in transportation of narcotic substance around 9,000 kgs and that too he had concealed the same in the garb of supply of



Tiles and other items. The learned counsel for the NCB lastly submits that the petitioner is an accused in a similar nature of offence which was registered at Morbi, Gujarat and is in custody in the said case as declared himself by the petitioner in the bail application and hence he does not deserve to be released on bail.

8. Considering the aforesaid submissions made by the parties and taking into account the complaint and the statements recorded under Section 67 of the NDPS Act, it can be gathered that there is enough evidence against the petitioner to connect him with the aforesaid seized contraband items which was being transported concealed along with other items which was being transported via three containers and being supplied from the petitioner's firm.

9. In the present case the seizure of 9000 kg of Cough Syrup with codeine has to be classified as commercial quantity and thus, attracts the provisions of Section 37 of the NDPS Act. The two ingredients to be satisfied for granting bail in offences involving commercial quantity, in view of this Court, is not being fulfilled as



already held herein above that there is enough evidence as of now to believe that petitioner was involved and with a criminal case at Gujrat registered against the petitioner, it also cannot be said that the petitioner is not likely to commit any offence while on bail.

10. In view of the fact that the evidence indicates clear involvement of the petitioner and seizure of commercial quantity of narcotic substance and lack of satisfactory explanation from the petitioner to the allegation, I am not inclined to enlarge the petitioner on bail.

11. The application is dismissed.

(Sourendra Pandey, J)

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