IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 8084 of 2022

Gurucharan Munda ..... … Petitioner

Versus

Union of India through Narcotic Control Bureau. …. …. Opp. Party

---

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioner : Mr. Nilesh Kumar, Advocate
For the Union of India : Ms. Shivani Jaluka, A.C. to A.S.G.I.

05/ 29.09.2022 Counter-affidavit filed on behalf of the Union of India is taken on record.

Heard learned counsel for the applicant and learned A.P.P. for the State.

This bail application has been filed on behalf of the applicant–Gurucharan Munda with prayer to release on bail in connection with N.D.P.S. Case No. 32 of 2021 arising out of NCB Crime No. 7/NCB/Ranchi/2021, registered under Sections 8(C), 18(B), 25 and 29 of the NDPS Act, pending in the court of the A.J.C.-VIII, Ranchi.

Learned counsel for the applicant has submitted that, as per prosecution version, three persons Rajesh Kumar Dangi, Vijay Kishore Dangi and Manoj Kumar Dangi all the three while boarding by the Car were apprehended by N.C.B team and from the car total 4.5 k.g. opium was recovered. On interrogation, all the apprehended accused confessed their guilt and stated that same was supplied to them by one Sanju whose alias name is Gurucharan Munda and phone call which came to the apprehended accused also came from the mobile phone in which SIM card was in the name of the Gurucharan Munda.

Learned Counsel for the applicant has submitted that the alleged recovery of the opium was from the three named accused and name of the applicant transpired during investigation in confessional statement of co-accused and same is not admissible while considering regular Bail Application or for the purpose of trial. There is no other evidence against the applicant. So far as call from the mobile phone is concerned, on the basis of the same nothing is to connect that the applicant was involved in supplying the alleged opium to the apprehended accused or anyone else. The applicant has been languishing in Jail since 05.04.2022.

Learned Counsel appearing on behalf of the N.C.B. vehemently opposed the contentions made by the learned counsel for the applicant and contended that the alleged phone call which came to apprehended accused was of supplier namely Gurucharan Munda and SIM of the mobile phone was in his name. It is also further submitted that the opium which was recovered from the Car was of commercial quantity.

In view of the submissions made and materials on record, and also keeping in view Section 37 of the NDPS more than prima facie case is not made out against the

applicant, the bail application of the applicant is hereby allowed. Let the applicant be released on bail on furnishing bail bond of Rs.30,000/-(Rupees Thirty Thousand) with two sureties of the like amount to the satisfaction of the court concerned in aforesaid case.

(Subhash Chand, J.)

P.K.S.