

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE , IIIrd
BHOJPUR AT ARA

Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

FORM-A

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE , IIIrd
BHOJPUR AT ARA

Presiding Officer: Sangam Singh,
Date of Judgment - 01st of August, 2026

NDPS CASE NO.- 49 OF 2022

(Details of F.I.R./Crime and Police Station)

(Arising out of NCB Crime No.09/2022 NDPS Spl Case No. 20/2022 date of seizure
22.03.2022 U/Ss. 8 (c), 21 (b), 25 and 29 of NDPS Act.)

Complainant	State of Bihar through Ashutosh Kumar, Intelligence Officer, NCB, Informant
Represented By	Sri Amrendra Singh, Ld. Special PP for NDPS for NCB Cases
Accused	1. Ravi Ranjan Kumar,, S/o Birendra Kumar Singh, aged about 37 years, Resident of Mauza Chhota Telpa, PS Sahebganj, PS Town Thana, District Saran (Chhapra). 2. Upendra Ram, S/o Dasai Ram, aged about 50 years Resident of Mauza Bara Telpa, PS Sahebganj, PS Town Thana, District Saran (Chhapra). 3. Ajit Kumar Singh, S/o Chandrakant Singh, aged about 40 years Resident of Mauza Mahkampur, Post- Bishanpura Dumariya, PS Koilawar, District Bhojpur
Represent By	Sri Bhuneshwar Tiwari, Advocate, Ld. Counsel for the Accused person.



FORM B

Date of Offence	22.03.2022
Date of FIR	23.03.2022, Produced before the District & Sessions Judge, Bhojpur for remand.
Date of Charge-sheet	18.05.2022
Date of Cognizance	24.05.2022
Date of Commitment	N/A

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE , IIIrd
BHOJPUR AT ARA

Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

Date of Framing of Charges	27.09.2022
Date of commencement of evidence	10.07.2023
Date on which judgment is reserved	24.07.2026
Date of the Judgment	01.08.2026
Date of the Sentencing Order, if any	10.08.2026

Accused Details:

	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or convicted	M Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428, Cr.P.C.
1	Ravi Ranjan Kumar	22.03.2022	06.03.2023	8(c), 21(b), 29 NDPS Act	Convicted only u/s 21(b) of NDPS, Act	5 Ys of RI and fine Rs. 20 thous and indef ault of whic h furth er SI for 6 Mont hs for the charg e u/s 21(b) of NDP S Act	11 Months and 14 Days
2	Upendra Ram	22.03.2022		8(c), 21(b), 29 NDPS Act	Acquitted	N/A	
3	Ajit Kumar Singh	Produced on P/W issued on 10.05.2022		8(c), 21(b), 29 NDPS Act	Acquitted	N/A	

FORM C



List of Prosecution/Defence/Court Witnesses

A. Prosecution		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1	Pramod Kumar	Official Witness
PW2	Ashutosh Kumar	Official Witness, I.O
PW3	Manish Kumar	Official Witness
PW4	Vinod Kumar	Official Witness, I.O.
PW5	Rajan Kumar	Superintendent, NCB, Official Witness

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	N/A	

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
N/A		

A. Prosecution:

Exhibit Number	Description
Exhibit P1	The written information with the signature of witness Ashutosh Kumar
Exhibit P2	Seizure List
Exhibit P3	Notice u/s 67 of NDPS Act, served to accused Ravi Ranjan Kumar
Exhibit P4	Notice u/s 67 of NDPS Act, served to accused Upendra Ram
Exhibit P5	The report submitted by Ashutosh Kumar to Shri Rajan Kumar, Superintendent, NCB, Patna in compliance with Section 57 of NDPS Act
Exhibit P6	'Malkhana' receipt, signed by PW 02 and the 'Malkhana' in-charge
Exhibit P7	'Malkhana' receipt of seized narcotic drugs and the Motorcycles
Exhibit P8	Arrest Memo of accused Upendra Ram
Exhibit P9	Physical Search Memo of accused Upendra Ram
Exhibit P10	Statement of accused Ravi Ranjan Kumar
Exhibit P11	Arrest Memo of accused Ravi Ranjan Kumar
Exhibit P12	Physical Search Memo of accused Ravi Ranjan Kumar
Exhibit P13	Application for medical test of both the accused Ravi Ranjan Kumar & Upendra Ram
Exhibit P14	Notices given to the independent witnesses Komal Kant Thakur and Pawan Kumar for recording their statements
Exhibit P15	Statements of both the witnesses Komal Kant Thakur and Pawan Kumar



**IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE , IIIrd
BHOJPUR AT ARA**

Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

16	Exhibit P16	Notice for appearance of both the accused persons before the court.
17	Exhibit P17	Notice u/s 57 of NDPS relating to arrest of accused Ravi Ranjan Kumar & Upendra Ram
18	Exhibit P18	Forwarding letter of Sample S1 & P1 to FSL Kolkata
19	Exhibit P19	Test report received from FSL Kolkata of Sample S1 & P1
20	Exhibit P20	Production Warrant of accused Ajit Kumar Singh
21	Exhibit P21	A three page application for CAF & CDR of the mobile number used by accused Ajit Kumar Singh
22	Exhibit P22	Certificate u/s 65 B of NDPS Act with CAF & CDR of the mobile number used by accused Ajit Kumar Singh
23	Exhibit P23	Certificate u/s 65 B of NDPS Act with CAF & CDR of the mobile number used by accused Ravi Ranjan Kumar & Upendra Ram
24	Exhibit P24	Statement of accused Ajit Kumar Singh
25	Exhibit P25	Photo of the associates of accused Ajit Kumar Singh
26	Exhibit P26	Follow up chart showing the mobile talks between the accused persons
27	Exhibit P27	Complaint file submitted by the investigating officer before the Ld. District & Sessions Judge, Bhojpur at Ara
28	Exhibit P28	Forwarding letter bearing signature of seizure witness Manoj Kumar Yadav
29	Exhibit P29	Entries made at page no. 197 and serial no. 195 at 'Malkhana' Register regarding the seized articles.

B. Defence:0

Sr. No.	Exhibit Number	Description
	Exhibit D-1/DW1	N/A

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1	Exhibit C-1/CW1	N/A



IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE, IIIrd
BHOJPUR AT ARA

Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

JUDGMENT

1. The Present Case has arisen out of NCB Crime No. 09/2022 dated 22.03.2022, registered U/Ss. 8 (c), 21 (b), 25 and 29 of NDPS Act wherein, the complainant is an intelligence officer, serving in the Narcotics Control Bureau Zonal Unit, Patna, who filed this complaint, in his official capacity as a Public Servant and in due discharge of his official duties.
2. As per the detailed written report filed with charge-sheet of this case, the prosecution story as well as the mandatory steps taken by the intelligence / seizing team is as follows -

A specific information was received by Sh. Ashutosh Kumar, Intelligence officer, NCB Patna on 21.03.2022 at about 19:00 hours that one person namely Ravi Ranjan Kumar, R/o Chhota Telpa, Sahibganj, Chhapra is carrying heroin in a Honda Shine Bike bearing reg. no BR 29K 9291 and coming from Babura-Dayalchak (Ara -Chhapra road) to deliver the said heroin to Upendra Ram, r/o Bada Telpa, Sahebganj, Chhapra at Dayalchaknear Ganga Dhaba, between 08:30 hours to 1000 hours on 22.03.2022 and Upendra Ram will come to Ganga Dhaba by his Honda Shine Bike bearing registration no, BR 04N 0646. The complainant recorded the intelligence in writing and communicated to Sh. Rajan Kumar, Superintendent NCB Patna on same day. And on 22.03.2022, acting on a specific information, a team of NCB Patna was constituted comprising Sh. Ashutosh Kumar, Intelligence Officer, Sh. Pramod Kumar, Jr. Intelligence Officer, Sh. Manish Kumar, SA, Sh. Awadesh Kumar Sing, Sepoy and Sh. Sanjeev Kumar, Driver from NCB Patna. The said team along with D.D Kit, Electric weighing machine, NCB-01 seal and other seizing items departed



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

from NCB office, Patna by Govt. Vehicle on 22.03.2022 at about 05:00 hours and reached at Dayalchak, near Ganga Dhaba (Ara-Chhapra, Road), Ara (Bhojpur) on the same day at about 07:30 hours. After reaching there, The seizing officer Sh. Ashutosh Kumar, Intelligence Officer contacted two persons nearby/ passing by there and introduced himself and his team, on which those two persons disclosed their name as (1) Komalkant Thakur, S/o Late Dayal Thakur, r/o Vill. Mupatpur, Post- Sripalpur, District Bhojpur (Ara), Bihar and (2) Pawan Kumar, S/o Ramayan Ray, r/o village Rampur, Bingawan, Post- Suratpur, Distt. Chhapra (Bihar)). After introduction, the seizing officer shared the secret information available with him and requested them to be present as independent witness during the entire search and seizure process to which both of them willingly accepted. Thereafter, NCB team with both independent witnesses started surveillance at Dayalchak (near Ganga Dhaba), Ara-Chhapra Road, As per information, at around 0930 hours on the same day (22.03.2022) one Honda Shine Bike bearing registration number BR 29K 9291 driven by one person was noticed coming from Babura near Ganga Dhaba. At the same time, one another Honda Shine Bike bearing registration number BR 04N 0646 was also noticed coming from Chhapra Side. After some time, Both above person who coming from Bikes met with each other near Ganga Dhaba and started conversation. Then, the seizing officer with NCB Team and both independent witnesses reached near the above both riders and introduced himself and his team and asked their name and address. On being asked, the person riding Honda Bike bearing registration number BR 29K 9291 disclosed his name as Ravi Ranjan Kumar, S/o Virendra Kumar Singh, C/o Village Chhota Telpa, ward no. 39, PO-



IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE, IIIrd
BHOJPUR AT ARA

Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

Sahebganj, Distt, Saran (Chhapra) and the person riding other Bike bearing registration number BR 04N 0646 introduced himself as Upendra Ram, S/o Dasai Ram, R/o village Bada Telpa, ward no. 39, Post Sahebganj, Distt. Saran (Chhapra), Bihar. Thereafter, seizing officer shared the available information with them. On which both the bike riders looking around and tried to run away from the spot wherein seizing officer with NCB team surrounded both the bike riders on the spot. Thereafter, the seizing officer asked the intercepted person Ravi Ranjan Kumar that a huge quantity of Narcotics drugs has been concealed in your bike bearing registration no. BR 29K 9291 so the seizing officer requested to search the said Bike on which Ravi Ranjan Kumar agreed to search his bike. Before searching the said Bike, the seizing officer offered to take the personal search of himself and his NCB team on which they denied. Thereafter, the search of Bike bearing registration number BR 29K 9291 was conducted on the spot in presences of both independent witnesses and both intercepted persons namely Ravi Ranjan Kumar and Upendra Ram. During the search of the said Bike, a blue colour carry bag concealed beneath the seat was recovered. On opening of recovered blue colour carry Bag, brownish granular powdery substance believed to be heroin was found inside the transparent plastic carry bag and brownish solid substance (as like stone) was also found kept in black colour plastic packet in the same blue colour carry bag. Small amount from recovered brown colour granular powdery substance was taken out and tested with D.D. Kit which resulted positive for heroin. After that, other Honda Bike bearing reg. no. BR 04N 0646 was also thoroughly searched but nothing incriminating was found. On being weighed, total weight of recovered brownish granular powdery



IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE, IIIrd
BHOJPUR AT ARA

Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

substance believed to be heroin was found to be 50 gm and Brown colour solid stone like substance was also found to be 01 Kg. The seizing officer carried out the preliminary interrogation on the spot on which Ravi Ranjan Kumar told that the recovered granular powdery substance is heroin and the same was to be delivered to Upendra Ram. Thereafter, the recovered granular powdery substance was kept in transparent plastic carry bag and heat sealed and wrapped with 'Markin' cloth and then stitched properly and marked as "A" and sealed with NCB seal no. 01. thereafter both intercepted persons confirmed about recovered brown colour solid stone like substance as mixing substance to increase the quantity of heroin. The same was also kept in transparent plastic carry bag and heat sealed and wrapped with markin cloth, stitched properly and marked as "B" and sealed with NCB seal no. 01. Then, recovered packing material which were used for concealment of above recovered substance was wrapped with 'Markin' cloth and sealed as above and marked as "C". Then the seizing officer Sh. Ashutosh Kumar, Intelligence Officer, both independent witnesses and both intercepted persons namely Ravi Ranjan Kumar and Upendra Ram put their dated signatures on the sealed substances marked as "A", "B" and "C" and search cum seizure list dated 22.03.2022. Recovered contraband and 02 Honda shine Bike bearing registration number BR 29K 9291 and BR 04N 0646 were seized as per the provisions of NDPS Act, 1985 under search and seizure list dated 22.03.2022. The whole search and seizure proceeding started at about 09:30 hours on 22.03.2022 and ended at about 11:15 hours on the same date (22.03.2022) in peaceful manner. Thereafter, Sh. Ashutosh Kumar (Seizing officer), Intelligence Officer issued summon/notice to Ravi Ranjan Kumar



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

and Upendra Ram with direction to appear before Sh. Vinod Kumar, Intelligence Officer ie Investigation officer of this case in NCB office, CGO complex, D & E block, Karpoori Thakur Sadan, Ashiyan Digha road, Patna on 22.03.2022 at about 13:00 hours. On 22.03.2022 at about 14:00 hours, the seized contraband marked as "A", "B & "C" and 02 Bike bearing registration number BR 29K 9291 & BR 04N 0646 with key were deposited in custody of NCB, Malkhana vide go-down entry serial No. 195 dated 22.03.2022. In Compliance to notice u/s 67 of NDPS Act dated 22.03.2022, Upendra Ram, age 47 years, S/o Dasai Ram, R/o Village Bada Telpa, ward no. 41, PO- Sahebganj, PS- Town (Nagar Thana), Chhapra, District Saran (Chhapra) was appeared before the investigation officer on 22.03.2022 and tendered his voluntary statement u/s 67 of NDPS Act 1985 in his own handwriting. Apart from his family details, he voluntarily confessed his conscious involvement in trafficking of Seized contraband heroin. He also revealed that one year ago, Dhiren Chaurasiya, Mobile number 8235122474 introduced to him with one Ajit Kumar Singh, S/o Chandrakant Singh, R/o village Mahkampur, PO- Bishanpura Dumariya, PS- Koilwar, District Ara (Bhojpur) having mobile number 9905858462, 8709566822 and 7070979419 for the first time. Upendra Ram also revealed that earlier he used to converse with Ajit Kumar Singh on Mobile no. 9905858462 from his mobile number 6204218889 about trafficking of heroin and Now Supplier Ajit Kumar Singh uses his mobile number 8709566822 for trafficking of heroin. Further he also confessed that he had ordered Ajit kumar Singh, on mobile no. 8709566822 from his mobile number 6204218889 to supply 50 gm heroin and one kg of brown colour stone (To be mixing with heroin for increasing the quantity) on 21.03.2022.



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

Ajit Kumar Singh (supplier of seized contraband) agreed for the same and , told Upendra Ram to collect the same from Dayalchak, near Ganga Dhaba, Ara Chhapra road in the morning between 08:00 hours to 10:00 hours on 22.03.2022 and to pay rupees 40,000/- (Forty thousands). Thereafter, Upendra Ram directed his associate Ravi Ranjan Kumar, S/o Virendra Kumar Singh, R/o Chhota Telpa, PS- Town (Nagar Thana), Chhapra on Mobile number 9608099535 to contact Ajit Kumar Singh, Mobile no. 8709566822 and collect 50 gm heroin and 01 kg brown colour stone (To be mixing with heroin) from Dayal Chak, near Ganga Dhaba, Ara Chhapra road on 22.03.2022 and also told that he himself (Upendra Ram) would be present near Ganga Dhaba to take over the heroin and stone (to be mixing with heroin). On the basis of seized contraband and his confessional statement, Upendra Ram was placed under arrest at 1805 hours on 22.03.2022 under sections 8(c), 21(b), 25 and 29 of NDPS Act by serving him a memo of arrest under his acknowledgment. He was allowed to intimate about the same to his wife. His Jamatalashi was conducted on 22.03.2022 18:10 hours. During the statement, Upendra Ram had identified the photo of Ajit Kumar Singh who supplied the seized contraband on 22.03.2022. In Compliance to notice u/s 67 of NDPS Act dated 22.03.2022, Ravi Ranjan Kumar S/o Virendra Kumar Singh, R/o Chhota Telpa, ward no. 41, PO- Sahebganj, PS- Town (Nagar Thana), Chhapra on Mobile appeared before the case 10 on 22.03.2022 and tendered his voluntary statement u/s 67 of NDPS Act 1985 by his writing. Apart from his family details, he voluntary confessed his conscious involvement in trafficking of Seized contraband heroin. He also revealed that in the year of 2021, he met with Upendra Ram, S/o Dasai Ram, r/o Bada



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

Telpa, PO- Sahebganj, Distt. Saran (Chhapra) and told that his Almirah business was close and facing the money crisis. As per suggestion given by Upendra Ram, he indulged himself in the business of heroin in greed of money. On the direction of Upendra Ram by Mob. No 6204218889, he used to take the heroin from Ajit kumar Singh (Mobile number 9905858462 & 8709566822) and delivered the same to Upendra Ram and he used to get rupees 1000/- to 1500/- for each delivery. On 21.03.2022 as per direction of Upendra Ram, he called Ajit Kumar Singh (mobile no. 8709566822) by his mobile no. 9608099535 and asked that Upendra Ram directed him to collect the heroin and 01 Kg Stone (to be mixing with heroin) from him. On which Ajit Kumar Singh was agreed and told that you will get the same at Dayal Chak Ara chhapra road on 22.03.22 in the morning. He also revealed that Ajit Kumar Singh supplied 50 gm heroin and one kg brown colour stone (to be mixing with heroin) to him on 22.03.2022 morning at Dayalchak, Ara Chhapra road and moved on from there. Later the same was to be delivered to his associate Upendra Ram who was already present near Ganga Dhaba Ara Chhapra road. On the basis of seized contraband and his confessional statement, Ravi Ranjan Kumar was placed under arrest at 21:45 hours on 22.03.2022 under sections 8(c), 21(b), 25 and 29 of NDPS Act by serving him a memo of arrest under his acknowledgment. He was allowed to intimate about the same to his sister. His Jamatalashi was conducted on 22.03.2022 1810 hours. Thereafter, an application dated 23.03.2022 was submitted by informant to the Medical Officer, New Gardeneir Hospital, Patna for conducting the medical examination of two accused namely Ravi Ranjan Kumar and Upendra Ram. The above said accused persons were taken to



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

New Gardinar Hospital, Patna on 22.03.2022 for their medical examination. During medical examination, both were found covid-19 negative and physically fit. And on 23.03.2022 after medical check-up and Covid-test (tested negative), accused Ravi Ranjan Kumar and Upendra Ram were produced before Ld. District & Sessions, Ara (Bhojpur) wherein both accused were sent to judicial custody at Ara Jail on 23.03.2022 by the Ld. court and receiving was obtained to this effect from the Jail Authority. Ara. Further on 23.03.2022 an application was submitted before Ld. District & Sessions, Ara (Bhojpur) for one day NCB remand of Ravi Ranjan Kumar and Upendra Ram. Permission for (i) storage of seized contraband remaining after sampling at Maalkhana/Godown of NCB Patna (ii) Deposition of seized Bikes bearing registration number BR 29K 9291 and BR 06N 0646 in the premises of KTS, CGO complex, Rajeev [2:22 PM, 7/20/2026] Ranvijay Singh: Nagar, Patna was also obtained from Ld. District & Sessions Judge, Bhojpur (Ara) on 23.03.2022. On 23.03.2022, an application regarding permission for sampling of seized contraband, and forwarding of sample to CFCL Kolkata was also submitted before the Hon.ble District and Session Judge Bhojpur (Ara) and the same was permitted by the Ld. court. As per the direction of the Ld. Court, Ara, the seized contraband was produced before the L'd Judicial Magistrate, Ara for sampling and the same was done by Smt Suman Kumari, I/C, Judicial Magistrate, 1st class, Ara on 26.03.2022. All samples were sealed with Court seal and Sh. Ashutosh Kumar, Seizing officer and Ld. I/C JMFC, Bhojpur, Ara put their dated signature on all samples. Test memos in triplicate were also prepared there in presence of Ld. JMFC for forwarding of the 02 samples S1 & PI to CFSL Kolkata laboratories for



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

its chemical analysis. As per order of the Ld. District & Sessions Judge, Bhojpur (Ara), the remaining seized contraband marked as "A", "B" & "C" and 02 Bike bearing registration number BR 29K 9291 & BR 04N 0646 with key were again deposited in the custody of NCB, Malkhana on 23.03.2022. Report of Search & Seizure under section 57 of NDPS Act, 1985 was put up to the Superintendent, NCB Patna on 23.03.2022 by Seizing Officer Sh. Ashutosh Kumar, NCB Patna. Report of arrest under section 57 of NDPS Act, 1985 was put up to the Superintendent, NCB Patna on 24.03.2022 by Sh. Vinod Kumar, Intelligence officer (Investigation officer herein) NCB Patna. As per order of Ld. court, the samples marked as S1 & P1 were dispatched to CFSL, Kolkata vide letter no. NCB/PZU/V/09/2022/1051 dated 27.03.2022 for Chemical Examination and result thereof. Reminder letter dated 04.05.2022 was also sent but the result is still awaited. The same will be submitted before the Ld. court after receiving from CFSL Kolkata. In pursuance of statement dated 22.03.2022 of accused Upendra Ram, a letter dated 04.04.2022 & 10.05.2022 to The Branch Manager, Central Bank of India, Hathua Market, Bhagwan Bazar, Chhapra was sent for providing account statement and other details on 04.04.2022, but reply is still awaited. Letter dated 07.04.2022 was sent to Police station, Town (Nagar thana), Chhapra for providing of criminal antecedent of accused Ravi Ranjan Kumar and Upendra Ram. The reply of the same has been received from Town Police station, Chhapra vide letter dated 20.04.2022 that no any criminal antecedent is registered against Ravi Ranjan Kumar and Upendra Ram. Letters dated 19.4.2022 were sent to RTO, Chhapra and Siwan for verification and providing the details of seized Bike bearing Registration No.



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

BR 29K 9291 and BR 04N 0646 and JH 09M 7100. The reply of the same is still awaited. A petition for grant of production warrant against Ajit Kumar Singh, S/o Chandra Kant Singh, r/o Village Mahkampur, PO- Bishanpura Dumaria, PS- Koilwar, Distt. Bhojpur (Ara) was filed before the Ld. District and Session Judge, Ara (Bhojpur). Accordingly, the Ld. court issued production warrant against accused Ajit Kumar Singh in the name of Jail Superintendent, Ara, vide order dated 10.05.2022. In pursuance of statement dated 22.03.2022 by accused Upendra Ram, a letter dated to Branch Manager was sent for providing account statement and other details but reply is still awaited. On 29.04.2022, House Search of Ravi Ranjan Kumar and Upendra Ram was conducted with assistance of Police team, Nagra Thana, Chhapra but nothing incriminating was however some document i.e. xerox copy of sbi life policy no. 35687523010 in the name of Upendra Ram and Adhar card bearing no. 649714293998 in the name of Upendra Ram were recovered during the house of Upendra Ram. In pursuance of statement dated 22.03.2022 of accused persons namely Upendra Ram and Ravi Ranjan Kumar, letters dated 21.04.2022 and 09.05.2022 were sent to the concerned telecom nodal officers respectively for CAF & CDRs of revealed mobile number 6204218889 used by accused Upendra Ram, mobile no. 9608099535 used by accused Ravi Ranjan Kumar, Mobile no. 8709566822 & 9905858462 used by Ajit Kumar Singh (Supplier of seized contraband). Certified copy of CAF and CDRs received from concerned TSP. On scrutiny, CAF of mobile number 6204218889 was found in the name of user's name Upendra Ram S/o Dasai Ram, R/o Bichla Telpa, ward no. 40, Chhapra Saran, PIN 841301 however the CAF of mobile number 9608099535 used by



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

accused Ravi Ranjan Kumar was found in the name of Ranjeet Kumar Sharma, S/o Umanath Sharma, R/o Chhota Telpa, ward no. 39, Chhapra, Saran, PIN 841301. Mobile number 9905858462 was registered on the name of user Ajit Kuamr Singh, (Supplier of seized contraband), S/o Chandrakant Singh, R/o Mahkanpur, r/o village Mahkampur, post Bishanpura PS-Koilwar, Distt. Bhojpur while mobile number 8709566822 used by Ajit Kumar Singh was registered on the of Mukesh Kumar Singh, S/o Vijay Kumar Singh, R/o Village Mohakampur, Bishunpura, District - Bhojpur as per CAF. As per CAF of Mobile number 8709566822, Summons dated 27.04.2022 and 11.05.2022 were sent to Ranjeet Kumar Sharma, S/o Umanath Sharma, R/o Chhota Telpa, ward no. 39, Chhapra, Saran, PIN 841301 and Mukesh Kumar Singh, S/o Vijay Kumar Singh, R/o Village Mohakampur, Bishunpura, District Bhojpur with direction to appear before the case IO for examination under 67 of NDPS Act 1985 but they did not turn up. During the analysis of CDR of Ravi Ranjan Kumar's mobile number 9608099535, accused Ravi Ranjan Kumar had frequent conversation with accused Upendra Ram (Receiver of seized contraband) on mobile no. 6204218889 at 245 occasions which has been shown highlighted with green colour in the enclosed CDR. It has also been found out that Ravi Ranjan Kumar had conversations with Ajit Kumar Singh (supplier of seized contraband) on mobile no, 8709566822 at 34 occasions with the same mobile number which has been shown highlighted with orange colour in the enclosed CDR. The Intelligence Team has submitted the certified copy of mobile no. 9608099535 used by Ravi Ranjan Kumar's is annexed to the complaint.



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

Charges

3. Vide order dated 10.07.2023 charges under sections 8(c), 21(b), 29 NDPS Act of NDPS Act, were framed against accused persons namely 1. Ravi Ranjan Kumar, 2. Upendra Ram, 3. Ajit Kumar Singh to which accused persons pleaded not guilty and claimed trial.

Prosecution Evidences

4. To substantiate its case, prosecution has examined five witnesses namely, PW 01 - Pramod Kumar, PW 02 - Ashutosh Kumar, I.O. PW 03 - Manish Kumar, PW 04 - Vinod Kumar, I.O., PW 05 - Rajan Kumar, Superintendent, NCB.
3. **PW 01 – Pramod Kumar has deposed in his examination in chief** that, on March 21, 2022, he was posted to the Narcotics Control Bureau, Patna, as a Junior Intelligence Officer and Intelligence Officer Ashutosh Kumar received a tip-off at 6:00 PM on March 21, 2022, which he submitted in writing to Mr. Rajan Kumar, Superintendent, NCB, Patna, requesting the formation of a team. He deposed that on his request a team was constituted comprising Ashutosh Kumar Intelligence Officer, the witness Pramod Kumar, himself as Junior Intelligence Officer, Mr. Manish Kumar Surveillance Assistant, Mr. Awadhesh Kumar Constable and driver Mr. Sanjeev Kumar. He further deposed that on 22.03.2022 at 5 am, the above stated team left NCB Patna in a government vehicle carrying kit bags and official documents and in the same vehicle At 7:30 a.m., they arrived at Ganga Dhaba, Dayalchak, Ara-Chhapra Road and Upon arriving, Mr. Ashutosh Kumar asked two men standing there for their names and addresses. Both men gave their names as Kamalkant Thakur and Pawan Kumar. Ashutosh Kumar shared the information he had to them and requested them to act as independent



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

witnesses during the search and seizure, to which both agreed. This witness stated that the NCB team and the two independent witnesses then began monitoring the scene. On same day, at 9:30 a.m., a motorcycle was seen coming from Ara, and another from Chapra. Both motorcycles were carrying one person and they met near Ganga Dhaba and began talking. He deposed that Acting on a tip-off, Mr. Ashutosh Kumar asked them for their names and addresses. One person gave his name as Ravi Ranjan Kumar, and the other gave his name as Upendra Ram. Ashutosh Kumar shared the information he had, but both men tried to flee. He further deposed that they were apprehended by the NCB team, and Mr. Ashutosh Kumar asked them to allow him and the team to be searched. Both men refused. Following this, Ashutosh Kumar searched Ravi Ranjan Kumar's vehicle, number BR 29A 9291, and found a blue bag under the seat. A brown substance, which appeared to be heroin, was found in a white polythene bag. A black, rocky substance was also found in a black polythene bag in the same bag. The brown substance was tested with a DD kit and was found to be heroin. This witness further deposed that the powdery substance, weighing fifty grams, was then wrapped in white foil, hot-sealed, and wrapped in white marquine cloth, labeling it **Lot A**. The black stone obtained was placed in white plastic, hot-sealed, and wrapped in marquine cloth, labeling it **Lot B**. This witness further deposed that Mark the blue bag, white plastic and black plastic bag and it was wrapped in a cloth and named as **Lot C**. All the three lots and both the vehicles were seized by the seizure officer, Mr. Ashutosh Kumar, Intelligence Officer and search-cum-seizure proceedings were carried out on the spot and the signatures of the seizure officer, both the independent



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

witnesses and both the suspects were taken on the search-cum-seizure list and NCB seal was used on all the three lots A, B, C. He further deposed that the entire proceedings took place in a peaceful atmosphere from 9.30 am on 22.03.2022 till 11.15 am on the same day and notice under Section 67 of the NDPS was served on both the suspects by Shri Ashutosh Kumar and they were asked to give their statements before Shri Vinod Kumar, Intelligence Officer. This witness has deposed that the entire proceeding took place in his presence. He deposed that one of the three accused present in court today is Upendra Ram, who was coming from Chapra, and he does not recognize the other accused, Ajit Kumar Singh, who was present in court and he recognize the other absent accused, Ravi Ranjan, who was coming from Ara and he can identify him upon seeing him.

In his Cross-examination on behalf of accused Ravi Ranjan Kumar PW 01 has stated that they conducted the raid on the orders of the senior officer and the copy of that order is already attached to the record. He stated that at 9:30 a.m., Ravi Ranjan Kumar's vehicle, number BR-29K-9291, was searched and drugs were found hidden under the seat. Both vehicles were occupied by one person. The owner of the vehicle was Ravi Ranjan Kumar and Ravi Ranjan Kumar was driving the vehicle himself. He stated that he did not know Ravi Ranjan before this occurrence. He stated that the drugs were found under the seat of the vehicle and the vehicle had two seats, with the drugs placed in the middle and the drugs were placed in the middle of the seat. He stated that he did not weighing the drugs and the drugs were weithed by Measurement Officer. He stated that they had not received any complaint regarding consumption or sale of ganja by Ravi Ranjan Kumar in the past. He



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

deposed that the seizure list was signed by independent witnesses, their names are Kamalkant Thakur and Pawan Kumar, who were not policemen. He stated that the seized exhibits were seized in his presence, but the seizure officer will provide details and he had not signed on the said seizure list. This witness has denied the suggestion of defence that he has not followed the NDPS rules and has falsely implicated Ravi Ranjan Kumar in this case to harass him and no drugs of any kind have been recovered.

In his Cross-examination on behalf of accused Ajit Kumar Singh PW 01

has stated that he hold a BA from IGNOU in Bihar and he is not aware of the contents of the complaint and he will not be able to translate the contents of the complaint into Hindi. He further stated that he does not know the extent or where the complainant has studied and he has not received any information regarding this incident. He further stated that Rajan Kumar informed him on March 21, 2022, at approximately 7 p.m, that he would be with the team and after receiving the information on March 21, 2022, nothing else was performed on that day. He further stated that he cannot tell the distance from Patna to the scene, but it took him two and a half hours to reach there. He stated that no one he knew was at the scene and neither the Junior Information Officer nor anyone known to Rajan Kumar was present there. He stated that they did not meet the owner or servant of Ganga Dhaba and no acquaintances of Ashutosh Kumar and Rajan Kumar were found at the scene. He stated that neither of the witnesses on the seizure list were known to him or the raiding team and he does not know where the two witnesses on the seizure list were from. He stated that they stayed near Dayalchak Dhaba for about three and a half to four hours and he did not speak to the senior



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

officer, and he does also not know whether other officers did speak. He stated that from Ganga Dhaba, the direction of Ganga Bridge is north-east, but the distance is unknown and opposite Ganga Dhaba is a puncture shop; the identity of the shop or house next to it, is unknown and the Dhaba faces east, there are fields to the west, and empty places to the north and south. He stated that during the time they were at Ganga Dhaba, they did not notice anyone coming or going and they did not notice anyone else coming or going except the accused's vehicle. He deposed that by looking at the seized material themselves, they cannot tell whether it is hashish or heroin and he is not aware of the type of chips fitted in the hashish detection machine which helps in its identification. He stated that his statement was not taken by the investigating officer. This witness has denied the suggestion that he did not go to the scene of the incident nor was any material recovered before him and he has deposed falsely.

In his Cross-examination on behalf of accused Upendra Ram PW 01 has stated that the motorcycle coming from Chapra was seized and a seizure list was prepared by Ashutosh Kumar. He witnessed the preparation of the seizure list and he also saw the prepared seizure list and the time of seizure of the motorcycle would have been between 9:00 and 11:00. He stated that he has not seen the city of Chhapra and he does not know the distance from the scene of the incident to Chhapra, he cannot even tell the direction and during the time they were at the scene of the incident, many cars, trucks, etc. passed by he does not remember the color of the two motorcycles that were seized. He stated that he has no documentary evidence to prove that he was present at the scene and accused Upendra Ram first gave his name and then fled and



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

he was caught after running about 10 steps, he also ran to catch him and no member of the public assisted in the arrest. He stated that Upendra Ram was caught while trying to escape by the seizure officer Ashutosh Kumar. This witness has denied the suggestion of defence that the accused Upendra Ram was not present at the spot and was not caught nor was his vehicle seized, rather we called him on phone on some pretext and after he came they caught him and he deposed falsely.

4. **PW 02, Ashutosh Kumar, I.O. has deposed in his examination in chief** that on March 22, 2022, he was posted as Intelligence Officer at the Narcotics Control Bureau, Patna. He received a tip-off on March 21, 2022, at 6:00 PM, that a person named Ravi Ranjan Kumar, Chhota Telpa, Sahibganj, Chhapra, was carrying heroin concealed in a Honda Shine motorcycle with registration number BR-29K-9291 from Babura Dayalchak, Ara-Chhapra Road, and was going to deliver it to Upendra Ram, resident of Bada Telpa, Sahibganj, Chhapra, at the location near Ganga Dhaba, Dayalchak, between 8:30 AM and 10:00 AM on March 22, 2022. He further deposed that Upendra Ram who is coming from Ganga Dhaba, Honda bike whose registration number is BR-04N0-0646. He deposed that he transcribed the above confidential information and presented it to Mr. Rajan Kumar, Superintendent. The witness has identified the written information, which is signed by him, and on his identification the written information with the signature of witness Ashutosh Kumar is marked as **Exhibit P-1**. He further deposed that subsequently, a team was formed by Mr. Rajan Kumar, Superintendent, NCB, Patna. He was appointed as the seizure officer and the other three members were Mr. Pramod Kumar, Junior Intelligence Officer,



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026



Mr. Manish Kumar, Surveillance Assistant, Mr. Awadhesh Kumar Singh, Constable, and Mr. Sanjeev Kumar, Driver. He deposed that on 22.03.2022 at 05:00 am, left from NCB office, Patna in departmental vehicle along with DD kit, electronic weighing scale, NCB1 seal and other material used in seizure and reached Dayalchak near Ganga Dhaba Ara-Chhapra Road on the same day, 22.03.2022 at 07:30 am. He deposed that upon reaching there, he approached two people standing there, introducing himself and his NCB team, he asked for their names and addresses. One person gave his name as Komalkant Thakur and the other one disclosed his name as Pawan Kumar. He deposed that they told the purpose to come there to that persons and requested them to being themselves as independent witnesses during search and seizure process and both of them replied affirmatively. He deposed that after that, the witness and the NCB team, and the two independent witnesses began surveillance around Ganga Dhaba near Dayalchak. Shortly thereafter, on March 22, 2022, at approximately 9:30 a.m., a Honda Shine motorcycle with registration number BR-29K-9291 was seen approaching from Babura Dayalchak. At the same time, a Honda motorcycle with registration number BR-04N-0646 was seen approaching from Chapra and when both the bikes met near Ganga Dhaba and started talking to each other, the NCB team, along with myself and two independent witnesses, reached near the two bikes parked near Ganga Dhaba. After reaching there, the witness and the NCB team introduced both the independent witnesses to them and asked for their names and addresses. The person riding the Honda Shine with registration number BR-29 K0-9291 disclosed his name as Ravi Ranjan Kumar, Village Chhota Telpa, Post Sahibganj, District Chapra, Saran and the person riding

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE , IIIrd
BHOJPUR AT ARA

Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

the other Honda bike with registration number BR-04N-0646 disclosed his name as Upendra Ram, Village Bada Telpa, Post Sahibganj, District Saran Chapra. He further deposed that then he informed them of the secret information and they both looked around and tried to flee but, he along with the NCB team, acted swiftly and apprehended the two bike riders, Ravi Ranjan Kumar and Upendra Ram. After that he told to the person Ravi Ranjan Kumar, riding on Honda Shine Bike bearing registration no. BR-29 K0-9291 that, "You have hidden drugs on your bike. He requested him to search his bike. Ravi Ranjan Kumar replied that he can search his bike and the NCB team then requested the two suspects that they can search them before searching the bike but the both refused. Thereafter, in the presence of the witness, NCB team and both the independent witnesses, the Honda Shine bike bearing registration number BR-29 K0-9291 was searched. He deposed that during the search, a blue bag was recovered from a secret space under the seat. Upon opening, a transparent plastic bag was found, containing a brown powdery substance that appeared to be heroin. A black plastic bag containing a brown, solid substance resembling stone was also recovered from the same blue bag. A small amount of the heroin contained in the white plastic bag was then removed and tested with a narcotics test kit, proving it to be heroin. Upon further questioning, Ravi Ranjan stated that he had brought the heroin to give to Upendra Ram. (This fact was disputed by the learned defense counsel). He further deposed that He then weighed the heroin in the white pocket and found it to weigh 50 grams. He then weighed the brown solid substance in the black plastic bag and found it to weigh one kilogram. He then wrapped the brown powdery substance, heroin, in a marquine cloth,



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

stitched it, and marked it "A," sealing it with the **NCB 1** seal. He deposed that after that, the solid material kept in black coloured polythene was also wrapped in cloth, stitched and marked "B" and sealed with the **NCB 1** seal. He further deposed that when questioned, he stated that the brown solid substance was mixed with heroin to increase its dosage and the blue bag, along with the empty transparent plastic and black plastic bags from which the heroin and solid substance were recovered, were then placed in a Markin bag, stitched together, and then marked "C," which was also sealed with the **NCB 1** seal. He deposed that after that, all the three pockets of **Mark A, B, C** and both the bikes Honda Shine whose registration numbers are BR-29 K0-9291 and BR-04N-0646 were seized. He deposed that the seizure officer, both the independent witnesses and the two suspects Ravi Ranjan Kumar and Upendra Ram have signed on all the three A.B.C pockets and thereafter, a search-cum-seizure list was prepared on the spot, signed by the seizure officer, both independent witnesses, and the two suspects. The entire process began at 9:30 a.m. on March 22, 2022, and concluded at 11:15 a.m. on the same day and NCB seal number 1 was used throughout the entire process, a sample of which is recorded on the last page of the search-cum-seizure list. He identified the search-cum-seizure list, which is in his handwriting and signature and consists of eight pages. He deposed that he signed on each page and identified the same and on his identification the seizure list was marked as **Exhibit P-2** on the identification. He deposed that subsequently, both suspects, Ravi Ranjan Kumar and Upendra Ram, were served with a notice under Section 67 of the NDPS, directing them to record their voluntary statements before Mr. Vinod Kumar, the investigating officer. And the notice



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

Under Section 67 bears his signature, which was identifying him and on his identification the said notice u/s 67 of NDPS Act, served to accused Ravi Ranjan Kumar and Upendra Ram, were marked as **Exhibits P3 and P4**, respectively. He further deposed that on 23.03.2022, he submitted a report to Shri Rajan Kumar, Superintendent, NCP, Patna in compliance with Section 57 of NDPS Act, which was of two pages and he put his signature on the last page of report. The witness further identified his signature and the report submitted to Shri Rajan Kumar, Superintendent, NCB, Patna in compliance with Section 57 of NDPS Act which was marked as **Exhibit P-5**. He deposed that the three seized wallets and both seized bikes were deposited in the NCB 'Malkhana'. The witness identified the 'Malkhana' receipt, signed by him and the 'Malkhana' in-charge, which is in one copy marked on identification as **Exhibit P-6**. He further deposed that subsequently, he submitted a written application to Vinod Kumar, Intelligence Officer, in accordance with NCB 1's order, accompanied by the original search-and-seizure list and a copy of the notice. And on the same day, March 22, 2022, the seized items and the two suspects, Ravi Ranjan Kumar and Upendra Ram, were produced in court. This witness recognized accused Upendra Ram, among the two accused persons who were present in court on that day, among them, he recognized Upendra Ram and he will also recognize the other accused, Ravi Ranjan Kumar, upon seeing him.

In his Cross-examination on behalf of accused Ravi Ranjan Kumar PW 02 has stated that he has seen the Honda Shine bike and he does not know much about the seat or design of the Honda Shine bike. He stated that he does not remember whether the Honda Shine bike had a trunk at the time and the



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

motorcycle was a straight-seater, he can't tell the length of the seat. He stated that the bike's seat folds down as needed and the vehicle seized was a Honda Shine bike. He stated that he could not say whether the seized Honda Shine bike was identical to the Honda Shine and he did not see any vehicle documents at the scene. He deposed that he has not received any information about the owner of the vehicle. He deposed that the seat of vehicle is not permanently attached, it automatically opens when needed and today he does not remember how they opened the seat of vehicle. He deposed that he joined the NCB department on 12.09.2019 and he remember contributing to the service but he does not remember how he opened the seat of vehicle on the date of the incident. He deposed that the boundaries of the incident site include, Ara district on the north, Chhapra district on the south, and the east and west are not taken into account. He deposed that before inspecting the vehicle at the scene, he called two independent witnesses to the scene. One of the two witnesses was from Bhojpur district and the other from Saran/Chapra district he does not remember the names of their fathers and he does not know the accused or the witnesses and the items seized at the scene of the incident, or the weighing machine, etc., are not present before him in court today. He further stated that he did not obtain the signature of any witness on the seal of the seized item and no paper was affixed or attached to the seized item after the seal was applied and further voluntarily stated that he obtained the signature of a witness on the package. He stated that he does not know who the informant in this case and the investigating officer of this case is Mr. Vinod Kumar, Intelligence Officer. He stated that the investigating officer was aware of the independent witness, and he obtained the accused's consent



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

to search the vehicle, as he stated in his statement and he did not obtain any information about the owner of the motorcycle recovered from accused Upendra Ram. He stated that they were at the scene for approximately two to four hours and the scene is a fairly busy road. He stated that he does not remember how many people were present at the scene, nor did he ask their names. The witness has denied the suggestion of defence that he deposed falsely and that there is no place like the description of the incident that he has given and that the accused have been falsely implicated in this case.

In his Cross-examination on behalf of accused Upendra Ram PW 02 has stated that he has examined Chhotka Telpa and he has not seen a village called Barka Telpa, he does not know in which direction or how far Chhotka Telpa or Barka Telpa are from the site of the incident, Ganga Dhaba and both villages are in Saran district. He stated that it is not known whether Saran district lies on both sides of the Ganges also it is not known whether the Ganges River flows near Ganga Dhaba. He stated that he is not sure whether Saran district is situated on the other side of the Ganga and Bhojpur district is situated on this side and he does not know whether Dayalchak is a village or not. He stated that he has not seen any documents related to the Dayalchak area and he did not see any settlements near Ganga Dhaba, only a house was visible at some distance, but, there were also a couple of other shops near Ganga Dhaba. He stated that he never had the opportunity to visit either Chotka Telpa or Barka Telpa villages and the accused came from opposite directions. He stated that Ara is north of Ganga Dhaba and the distance from Ganga Dhaba to Ara would be approximately 10-15 kilometers. The shows his unawareness about the direction of Chhapra from Ganga Dhaba. He stated



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

that the investigating officer was not part of their team on the day of the incident. They met with the investigating officer at the NCB office in Patna on March 22, 2022, between 12:00 and 1:00 p.m. And the investigating officer did not issue him any notice to record a statement under Section 67 of NDPS Act, nor the investigating officer record any statement from him. He stated that the distance from the incident site, Ganga Dhaba, to Patna is approximately 50-55 kilometers and he does not recall the time when the notice under Section 57 of NDPS Act, was served on the accused. He stated that the seized articles were kept in the 'Malkhana' at 14:00 hrs and the entry was made in the 'Malkhana' register and its serial number was also recorded. He stated that he is not aware whether Upendra Ram and Ravi Ranjan Kumar have given voluntary statements or not, or where and at what time. He stated that at the time of preparing the seizure list, he had a mobile phone with the SIM number 7992389873, and he does not recall whether he spoke to the said number at any point during the entire process at the scene of the incident. He stated that Manish Kumar, the surveillance assistant, Awadhes Kumar Singh, the constable, and Sanjeev Kumar, the driver, were with them during the seizure and he does not know whether these individuals also had mobile phones with them at the time. This witness has denied the suggestion of defence that they called Upendra Ram from another place in an illegal manner, caught him, threatened him and took his statement after taking him at Patna.

In his Cross-examination on behalf of accused Ajit Kumar Singh PW 02 has stated that there is only one NCB unit in Bihar, located in Patna and he does not remember how many inspectors were present at the NCB office at



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

the time of the incident. He stated that there were a total of 9-10 NCB inspectors, including himself, the name of some of them are Dheeraj Kumar, Vinod Kumar, Shivpujan Prasad, Sheelbhadra Samrat, etc. He stated that he does not remember about the various raids conducted by him and his team from 15.01.2022 to 21.03.2022. He stated that he does not remember whether Manish Kumar was part of the team in the raids conducted from 15.01.2022 to 21.03.2022. He stated that anyone known to him was not present at the site of the raid. He stated that the independent witness was not related to him and he has not taken any confessional statement from any of the accused in this case. The witness denied the suggestion of the defence that he deposed falsely in this case and no such incident has taken place as he has stated.

5. **PW 03, Manish Kumar, has deposed in his examination in chief** that on March 21, 2022, he was posted as a Surveillance Assistant at the Narcotics Control Bureau, Patna. Mr. Ashutosh Kumar, the Intelligence Officer, who is also the Seizing Officer in this case, received a tip-off between 2:30 and 3:00 p.m. and Mr. Ashutosh Kumar transcribed the secret information he received and sent it to a senior officer. On March 21, 2022, at 5 p.m., Rajan Kumar formed a team consisting of Mr. Ashutosh Kumar, Intelligence Officer, Mr. Pramod Kumar, myself, Mr. Awadhesh Kumar, Constable, and driver Sanjeev Kumar, and further the Superintendent Rajan Kumar ordered that the above-mentioned team will leave for Ara on March 22, 2022, at 5 a.m. and as per the order, they along with the constituted team left for Ara from Patna office at around 5 am in the morning by government vehicle and reached Ganga Dhaba Dayalchak Babura-Chhapra Road at around 7.30 am and as per the secret information, the then seizure officer Mr. Ashutosh Kumar told them



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

that Ravi Ranjan Kumar alias Mantu will come from Ara on a Honda Shine vehicle and Upendra Ram will come from Chhapra in a Honda bike and both will meet at this Dhaba. He deposed that after that the team started their duty at their respective places and at around 9.30 am a Honda bike with a man riding it was seen coming from Babura side and it stopped at Ganga Dhaba. After a few moments, another Honda bike with a man riding it came from Chhapra side and stopped at Ganga Dhaba and when both the persons started talking to each other then the team surrounded both the bikes and interrogated them in which the bike rider who had come from Babura side told his name as Ravi Ranjan Kumar and the bike rider who had come from Chhapra side told his name as Upendra Ram. He further deposed that their intelligence officer, Mr. Ashutosh Kumar, informed the two of them about secret information and asked them to inspect the motorcycle. He deposed that two or three passersby were present at the place of occurrence at that time and agreed to become independent witnesses. Subsequently, the seat of the motorcycle, which was riding by Ravi Ranjan Kumar, was opened, and approximately 50 grams of a brown substance and approximately one kilogram of another substance were recovered and when Ravi Ranjan Kumar was asked about the recovered items, he stated that the smaller quantity was heroin, and the larger amount of stone-like material was used to mix with heroin. PW 03 deposed that the seizure officer, then initiated the seizure process, which concluded at approximately 11:15 a.m. Seizure Officer Ashutosh Kumar prepared a seizure list and test memo of the items recovered at the scene and the proceedings began at 9:30 a.m. and continued until approximately 11:30 a.m. He deposed that during the entire above



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

proceedings, he was present on the spot as a team member and the said proceedings were completed in his presence and after seeing accused Ajit Kumar Singh present in court, the witness stated that he was not present at the scene, so he does not recognize him and he recognize the accused, Ravi Ranjan Kumar and Upendra Ram, who were present at the scene and further claims to have recognized them upon seeing them. In his Cross-examination on behalf of accused Upendra Ram this witness has stated that he came to know about the secret information received by Ashutosh Kumar at about 5.30 pm in his office and a written order is issued for being included in the constituted team and he was informed verbally about his inclusion in the team and an order for the same was also issued. He stated that he learned about the raid site while traveling in a government vehicle. He stated that, Ganga Dhaba is southwest of Ara and he don't know its exact distance and Babura is on the north-east corner of Ara city and Ganga Dhaba Dayalchak is north of Babura. He stated that he doesn't know the exact distance and they went to Ganga Dhaba from Babura via the main market and they left Patna and went to Ganga Dhaba. He further stated that two or three passersby were present at Ganga Dhaba when accused Ravi Ranjan and Upendra Ram were questioned on the spot. Dhaba employees were also present at the Dhaba at that time and there were no breakfast guests at the Dhaba at the time. He stated that he was near the road, some distance away from Ganga Dhaba; he doesn't know the direction, he doesn't know how far the two accused were from where he was standing while he was talking. He stated that no statement has been made anywhere else in this case before giving evidence in the court today and he did not receive any notice under Section 67 of the NDPS Act



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

and he does not remember the names and faces of 2-3 passersby who came to the Dhaba. The witness has denied the suggestion of defence that accused Upendra Ram has been falsely implicated in this case. In his Cross-examination on behalf of accused Ajit Kumar Singh this witness has stated that he has studied up to class 12 and he is currently posted as a Surveillance Assistant. He has testified once again in the Arrah court under the NDPS Act and earlier he had never been visited to Ganga Dhaba Dayalchak. He stated that he does not know how far Ganga Dhaba Dayalchak is from Patna and he did not know anyone at Ganga Dhaba, and even upon arriving, he did not introduce himself to anyone. He stated that he had not received any personal written orders to go to Ganga Dhaba, which is located on the very busy place Babura-Chhapra Road. He stated that on the day they went there, trucks carrying sand were still passing by, he does not know how many motorcycles passed Ganga Dhaba on that day; he did not stop any motorcyclists. He stated that they had no prior acquaintance with the man arrested and they stayed at Ganga Dhaba for about two and a half to three hours and then appeared in court that same day with the documents. He was also with his team. He stated that senior officials do not provide him any assistance in paperwork. The witness denied the suggestion of defence that no material was recovered or seizure was made in his presence and he deposed falsely.

In his Cross-examination on behalf of accused Ravi Ranjan Kumar, PW 03 has stated that he does not know any of the accused personally, and he does not know the length or width of Ganga Dhaba. He stated that Ganga Dhaba is north of Babura Village and he does not know the distance and he also does not know which direction the Ara-Chhapra Bridge is from Babura



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

Village. He stated that Ganga Dhaba is located in Dayalchak, but He does not know the direction and many people from nearby areas come and go to Ganga Dhaba and he does not remember the names of the locals present at Ganga Dhaba and he does not know which village the passersby were from. He stated that he does not know the owner of the Honda bike. He does not remember the depth of Ganga Dhaba and he joined government service in May 2006; he does not remember the exact date. The witness has denied the suggestion of defence that on the basis of wrong facts, innocent persons have been falsely implicated with the intention of harassing them and that he deposed falsely.

6. **PW 04 Vinod Kumar deposed in his examination in chief that,** his name is Vinod Kumar, and he was posted as Intelligence Officer at the NCB office in Patna on March 22, 2022, and as per the orders of Mr. Rajan Kumar, Superintendent, NCB, Patna, he took over the investigation of NCB Case No. 09/2022 (NDPS 49/2022) from Mr. Ashutosh Kumar, Intelligence Officer (Seizure Officer, NCB, Patna) at the NCB office in Patna on March 22, 2022. He further stated that Seizure Officer Mr. Ashutosh Kumar handed over two seizure notices and search lists issued under Section 67 of the NDPS Act, to him, which was issued in the name of two suspects, Upendra Ram, son of Dashai Ram, address: Bada Telpa, Post Sahebganj, Police Station Town, Chhapra, District Saran, and Ravi Ranjan Kumar, son of Virendra Kumar Singh, address: Chhota Telpa, Post Sahebganj, Police Station Town, Chhapra, District Saran and also showed him the seized exhibits in sealed condition and introduced to the two suspects, Upendra Ram and Ravi Ranjan Kumar. He further deposed that after reviewing the search and seizure list given by



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

the seizure officer and conducting necessary inquiries from him, it was found that on 22.03.2022 at about 09:30 AM, on the basis of secret information, suspicious persons Upendra Ram, son of Dashai Ram, address Bada Telpa, PO Sahebganj, Police Station Town, Chhapra, District Saran and Ravi Ranjan Kumar, son of Virendra Kumar Singh, address Chhota Telpa, PO Sahebganj, Police Station Town, Chhapra, District Saran were intercepted from Dayalchak near Ganga Dhaba, Ara Chhapra Road, District Bhojpur, Ara, with Honda Shine bike registration number BR 29 K 9291 and Honda bike number BR 4 N 0646 in the presence of two independent witnesses Komalkant Thakur and Pawan Kumar. He further stated that on March 22, 2022, during a proper search in the presence of two independent witnesses, Komalkant Thakur and Pawan Kumar, Upendra Ram, son of Dashai Ram, address Bada Telpa, Post Sahebganj, Police Station, Chhapra, District Saran, and Raviranjana Kumar, son of Virendra Kumar Singh, address Chhota Telpa, Post Sahebganj, Police Station, Chhapra, District Saran, a blue colored carry bag was recovered from a Honda Sign bike with registration number BR 29 K 9291 and upon opening the bag, a brown colored granular powder-like substance was found in a transparent plastic bag which was checked by the seizure officer with a DD kit and tested positive for heroin. Subsequently, a brown solid substance (cut), used to increase the quantity of heroin, was found in another plastic carry bag, and when weighed on a weighing machine, the heroin weighed 50 grams, and the total weight of the brown solid substance (cut) was found to be one kilogram. He deposed that the suspects present at the scene, Upendra Ram and Ravi Ranjan Kumar, confirmed that the substance was heroin. He further deposed that after that,



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

the Honda bike number BR 04 N 0646 being driven by Upendra Ram was also searched. But no objectionable material was recovered from it and upon questioning by the seizure officer Mr. Ashutosh Kumar on the spot, Raviranjn Kumar told that the supplier of the seized narcotics drugs is Mr. Ajit Kumar Singh, son of Chandrakant Singh, address: Mahakampur, Post Vishanpura, Dumaria, Police Station Koilwar, District Ara, Bhojpur and the recipient of this seized narcotics drugs is Upendra Ram, son of Dashai Ram, Bada Telpa, Police Station Town, Police Station Chhapra, District Saran and identified as present in front of him and had come to receive the seized drugs from them. He further deposed that all the seized material was duly hot sealed with NCB seal no. 1 and two bikes involved in heroin smuggling, one Honda Sign with registration number BR 29 K 9291 which was being used by Ravi Ranjan Kumar and another Honda bike with registration number BR 04 N 0646 which was being used by Upendra Ram were also seized. He deposed that the entire seizure cum search operation was carried out from 09:30 hrs on 22.03.2022 to 11:15 hrs on the same day i.e. 22.03.2022 in a peaceful atmosphere without hurting any religious sentiments. Thereafter, the Seizing Officer, Shri Ashutosh Kumar, Intelligence Officer, NCB Patna, issued a notice/summons to both the intercepted persons, Upendra Ram and Ravi Ranjan Kumar, under Section 67 of the NDPS Act, 1985, in which both the above mentioned suspects were informed to appear before the Investigating Officer of this case (NCB Patna Case No. 09/2022), Shri Vinod Kumar, Intelligence Officer, NCB Patna, on 22.03.2022 at about 13:00 hrs at NCB office, Patna, to record their voluntary statement. He deposed that thereafter, the seizure officer, Shri Ashutosh Kumar, NCB, Patna, deposited



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

the seized exhibits in the NCB 'Malkhana', Patna, which godown entry number is 195, dated 22.03.2022. He further stated that on 22.03.2022, in compliance with the notice/summons issued under Section 67 of the NDPS Act, 1985, Upendra Ram, age about 47 years, father Dashai Ram, address Bada Telpa, Ward No. 41, P.O. Sahebganj, Police Station Town, District Saran, Chhapra, appeared before him to record his voluntary statement in the NCB office, Patna, before the witness, the Investigating Officer, and Upendra Ram recorded his handwritten voluntary statement under Section 67 of the NDPS Act, 1985, in which the accused Upendra Ram voluntarily admitted his involvement in the smuggling of the seized heroin and Upendra Ram gave the mobile number of Ajit Kumar Singh, who is the supplier of the seized exhibit, as 9905858462 and mobile no. 8709566822, and he disclosed that the mobile number of accused Raviranjana Kumar is 9608099535. He deposed that Upendra Ram also stated his own mobile number is 6201218889. He further deposed that in his statement, Upendra Ram also stated that the mobile number of Ajit Kumar Singh, the supplier of the seized narcotic drugs, 9905858462 was blocked by NCB, due to a drug case filed against him, in January 2022, and Ajit Kumar Singh is currently using mobile number 8709566822 for heroin smuggling. This witness has further stated that during his statement, Upendra Ram identified a photograph of Ajit Kumar Singh, the supplier of the seized narcotic drugs. The witness has identified the statement of Upendra Ram, which is in his handwritten form, which runs to 11 pages, and which bears his signature and the signature of accused Upendra Ram, and on identification of this witness the statement of accused Upendra Ram has marked as **Exhibit P7**. He further deposed that



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2025

based on the statement and recovery, Upendra Ram was arrested on March 22, 2022, at 6:05 PM under sections 8(c), 21(b), 25, and 29 of the NDPS Act, 1985, and the arrest memo, prepared by him, bears his signature and the signature of accused Upendra Ram, the witness identified all the same and on his identification the arrest memo is marked as **Exhibit P8**. He further stated that subsequently, on March 22, 2022, at approximately 6:10 PM, Upendra Ram was subjected to a physical search, during the physical search, the mobile number 620421889 used for drug trafficking and other items were recovered and the physical search memo was typed by him which bears his signature and the signature of accused Upendra Ram, which he recognize and on his identification the same is marked as **Exhibit P9**. He deposed that thereafter, in compliance with the notice issued by the seizure officer, Shri Ashutosh Kumar, Raviranjan Kumar, age 32 years, son of Virendra Kumar Singh, resident of Chihota Telpa, Ward No. 39, P.O. Sahebganj, District Saran, Chhapra, appeared before the NCB office on March 22, 2022 and recorded his handwritten voluntary statement under Section 67 of the NDPS Act, 1985. During the statement, accused Raviranjan Kumar voluntarily admitted his involvement in the smuggling of the seized substance, 50 grams of heroin and 1 kilogram of brown colored stone mixed in it, and in his statement, accused Raviranjan Kumar named Upendra as the recipient of the seized substance, whose mobile number is 6204218889. He further deposed that the mobile number of Ajit Kumar Singh, the supplier of the seized substance, is 9905858462 and 8709566822. The witness has further submitted that accused Ravi Ranjan Kumar also said to him that they kept in touch with each other through mobile phones for smuggling of drugs. the



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2025

witness further identified the statement recorded by Ravi Ranjan Kumar, which runs to five pages. He deposed that all pages of the statement bear his signature and signature of accused Ravi Ranjan Kumar. On the identification of witness the same has marked as **Exhibit P10**. He further deposed that based on the statement and recovery, accused Raviranjan Kumar was arrested on March 22, 2022, at 21:45 hours, under sections 8(c), 21(b), 25, and 29 of the NDPS Act, 1985. The witness identified the arrest memo which bears his signature and deposed that he recognize the accused Raviranjan Kumar, and on his identification the arrest memo of accused Ravi Ranjan Kumar was marked as **Exhibit 11**. He further deposed that subsequently, a physical search of Raviranjan Kumar was conducted on March 22, 2022, at 18:10 hours, and other items, including the mobile number 9608099535 used by Raviranjan Kumar for smuggling drugs, were recovered. The physical search memo, which bears his signature and signature of Raviranjan Kumar, whom he recognize, is marked as **Exhibit P12**. He further deposed that thereafter, on 23.03.2022, an application was given to Gardner Hospital, Patna for medical examination of accused Upendra Ram and Ravi Ranjan Kumar, which was signed by him and he identify the same and on this identification the same is marked as **Exhibit P13**. He deposed that both the apprehended accused were examined by a doctor and found to be COVID negative and fit. He further deposed that on 22.03.2022, he served a notice to both independent witnesses Komalkant Thakur and Pawan Kumar to record their voluntary statements, and the notices bears his signature, the signatures of Komalkant Thakur and Pawan Kumar, whom he recognize and the notice is of two pages, which is marked as **Exhibit P14**. He further deposed that in



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

compliance with the notice, both independent witnesses Komalkant Thakur and Pawan Kumar recorded their voluntary statements under Section 67 of the NDPS Act, 1985. He deposed that in the statement, Komalkant Thakur and Pawan Kumar stated that they were present as independent witnesses during the entire seizure and search proceedings. This statement is based on two pages which has been typed by him on which there are signatures of him and independent witnesses Komalkant Thakur and Pawan Kumar whom he recognize, on this identification the same was marked as **Exhibit P 15**. He further stated that on 23.03.2023, a notice was given to both the accused for their appearance in the Hon'ble Court, which was typed by him, which bears his signature and he identify the same and on his identification the said petition was marked as **Exhibit P16**. He further deposed that on 24.03.2022, he gave notice for compliance under Section 57 of the NDPS Act, 1985, relating to the arrest of accused Upendra Ram and Ravi Ranjan Kumar, and the said notice was typed and signed by him and witnessed by the Superintendent, NCB, Patna on 24.09.2022 and is signed by him also. He identified the said notice and on his identification the same was marked as **Exhibit P17**. He further deposed that on March 27, 2022, as per the order of the Honorable Court of Bhojpur, **samples S1 and P1** of the seized substance were sent to CFSL, Kolkata for chemical testing and the forwarding bears the signatures of Mr. Rajan Kumar, Superintendent, NCB, Patna, and Manoj Kumar, whom he recognize and the test memos bear the signature of JM, 1st Class, Sri Ranjan Kumar, whom he recognize and the said forwarding is of total 5 pages and his identification the said forwarding letter was marked as **Exhibit P18**. He further deposed that subsequently, in light of the subsequent



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

sample testing, the test report for **samples S1 and P1** was received from CFSL, Kolkata. The test report showed **S1** positive for heroin, and the test report bears the signature of Deputy Director cum Assistant Chemical Examiner Baijnath Upadhyay, whom he recognize. He deposed that the test report is of 3 pages and on the identification of this witness the same was marked as **Exhibit P19**. He further deposed that on 07.04.2022, an application was submitted to the Chapra Town Police Station to provide the criminal history of Raviranjana Kumar and Upendra Ram. In light of the application, a report was received from the Chapra Town Police Station, in which both were found to have no criminal history and on 19.04.2022, the RTO Chapra requested a verification report on the bikes BR 29 K 9291 and BR 04 N 0646 seized in the drug smuggling case, which is still insufficient and the investigation is ongoing. He deposed that on 20.04.2022, he submitted an application to the Honorable Court of Bhojpur, Arrah, for the issuance of a production warrant for Ajit Kumar Singh, which bears his signature, which he identify as **Exhibit P20**. He deposed that on 29.04.2022, with the assistance of the Town Police Station, Chapra, the residence of accused Raviranjana Kumar and Upendra Ram was searched and no incriminating material was recovered during the search. He further deposed that on 21.04.2022, the Nodal Officer requested Reliance Jio and Airtel for the CIF and CDR of the mobile numbers used by accused Upendra Ram, Raviranjana Kumar, and Ajit Kumar Singh under Section 65B of the Evidence Act and on 09.05.2022, Reliance Jio, Patna was requested to provide the CIF and CDR of the mobile number used by Ajit Kumar Singh, the said application is a three-page, typewritten application with is in his signature,



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

identified by him and on his identification the application was marked as **Exhibit P21**. He further stated that the CAF and CDR of mobile number 8709566822, used by supplier Ajit Kumar Singh, were obtained from the concerned telecom company in total 47 pages and a certificate under Section 65B is provided on his identification which was marked as **Exhibit P22**. He further deposed that subsequently, the CAF and CDR under Section 65B were obtained from the Nodal Officer, Jio, Patna, for the mobile numbers used by accused Raviranjn Kumar (mobile number 9608099535), Upendra Ram (mobile number 6204218889), and Ajit Kumar Singh (mobile number 9905858462) in total 208 pages and the same was marked as **Exhibit P23**. He further deposed that subsequently, as per the order of the Honorable Court of Bhojpur, Ara, in Memo No. 201, dated 25.05.2022, accused Ajit Kumar Singh was remanded to the NCB custody and his statement was recorded. During his statement, Ajit Kumar Singh voluntarily admitted his involvement in the smuggling of the seized drugs and in his statement, Ajit Kumar Singh gave his mobile numbers as 9905858462 and 8709566822, and his accomplice Upendra Ram's mobile number as 6204218889 and Raviranjn Kumar's mobile number as 9608099535 and in his statement the accused also stated that they maintained contact with each other via phone during the drug smuggling. This witness further stated that Ajit Kumar Singh also stated in his statement that, in addition to this case, two other NDPS cases, case numbers 2/2022 and 4/2022, are registered against him at the NCB, Patna and during his statement, Ajit Kumar Singh identified photographs of Raviranjn Kumar and Upendra Ram, his associates involved in drug trafficking. The witness deposed that the statement is in total of four



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

pages which bears his signature and that signature of Ajit Kumar Singh, whom he identified and on his identification the same was marked as Exhibit P 24. Apart from this, Ajit Kumar Singh also identified the photo of his associate, which is of one page, which was marked as Exhibit P 25. He further deposed that the CAF and CDR of mobile numbers 9608099535 used by Raviranjn Kumar, accused in drug smuggling, mobile numbers 8709566822, 9905858462 used by Ajit Kumar Singh and mobile number 6204218889 used by Upendra Ram were analyzed and during the analysis, it was found that Raviranjn Kumar had contacted supplier Ajit Kumar Singh's mobile number 8709566822 six times and mobile number 9905858462 34 times from his mobile. Apart from this, Raviranjn Kumar had contacted accused Upendra Ram's on mobile number 6204218889 total 245 times. This witness further deposed that all three accused were in contact with each other by phone and supplier Ajit Kumar Singh contacted Upendra Ram's mobile number, 6204218889, 31 times and 5 times respectively from both his phones and the follow-up chart is provided on a single page, signed by him, which he identified and marked as **Exhibit P26**. He further deposed that the KYC of mobile number 6204218889 was found in the name of accused Upendra Ram and the mobile number 9608099535 used by Raviranjn Kumar was found in the name of Ranjit Kumar Sharma and a summons was sent based on the KYC but he has not yet appeared; the investigation is ongoing. He deposed that the mobile number 9905858462 used by accused Ajit Kumar Singh was found in the name of Ajit Kumar Singh, and 8709566822 was found in the name of Mukesh Kumar Singh and a summons was sent but he did not appear; the investigation is ongoing. He deposed that after the investigation



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

was completed, he typed and filed a complaint (file of 29 pages) on 18.05.2022 before the Honorable District and Sessions Judge, Arrah, which is in total of 30 pages and on identification of the witness the same was marked as **Exhibit P27**.

In his cross examination on behalf of accused Ravi Ranjan PW 04 has stated that he does not personally know Ravi Ranjan, the accused in this case and during the investigation, he discovered that 50 grams of heroin was recovered from a motorcycle bearing the number BR29K9291, which was driven by Ravi Ranjan. He stated that as part of the investigation, he had tried to trace the owner of the motorcycle and had sought information regarding the said vehicle from the RTO, Chapra, which is still pending but the report has not been received yet. He stated that on the day of the incident, 50 grams of heroin and 01 kg of black colour stone were recovered which was to be mixed in the heroin. The test report of the said black colour stone has confirmed that it is Acetaminophen and it is not under NDPS. Further he has stated that the 50 grams of heroin found in the Barat was chemically tested as heroin and falls under the category of intermediate quantity and the substance was recovered not before me but before Ashutosh Kumar, the seizing officer and the material was presented at NCB office, Patna on 22.03.2022 at about 13:00 hrs. He stated that the motorcycle was not seized by him; it was seized by the seizure officer and the seizure list and the seized items are signed by two independent witnesses, Kamal Kant Thakur and Pawan Kumar, both are residents of Ara and Chhapra districts. He stated that he still doesn't remember the name of the witnesses' father and he doesn't even remember his village and he doesn't remember the date he joined the job and he recorded



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2025

the witnesses' statements as part of the investigation. He stated that the statements of both witnesses were recorded simultaneously and the statements of both witnesses were recorded at the NCB office in Patna and the statement recorded before whom and in what time, it was also not recorded. He stated that no previous history was found against the accused Ravi Ranjan during the investigation. He stated that the seized material was delivered to him in a sealed state and he did not measure or weigh the seized material, he did not open or inspect the material also. The witness has denied the suggestion of defence that the accused Ravi Ranjan Kumar was apprehended on the basis of suspicion and he had stated that the accused was produced in a suspicious condition by the seizing officer. He stated that the witnesses of the seizure list were not produced before him and and he did not not personally examine accused Ravi Ranjan. He did not record the statements from people residing within the vicinity of the crime scene and the scene is a public area, where many people travel on that road. He stated that as per his knowledge, he was not asked by the Seizing Officer to call any Gazette Officer. He stated that he was aware that accused Ravi Kumar has given his consent to the investigation and he did not state the same in his statement to the court and the said consent was obtained by the seizure officer. This witness further stated in his Cross-examination on behalf of accused Ravi Ranjan Kumar on 08.08.2025 that in the course of investigation, the house of the accused was visited but no objectionable item or any intoxicant was recovered during the search and it was not reported by anyone in the accused's village that Ravi Ranjan was dealing in any illegal drug and whatever documents were produced before him by the plaintiff were



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

not prepared in his presence. This witness has denied the suggestion that his signature was on what was produced by the plaintiff. He stated that he obey the orders of the superior officer. He denied the suggestion of defence that he has made all the entries of his investigation by sitting in the police station following the orders of his senior officer and there is not any occurrence as alleged by him and he deposed falsely.

In his Cross-examination on behalf of accused Ajit Kumar Singh PW 04 has stated that no drugs were found in his presence and the case was taken up for investigation on March 22, 2022, at approximately 1:00 p.m. He further stated that after the seized material was presented to him, it was stored in the storeroom by the seizing officer, he did not measure or weigh the seized material and the seized material was sealed. He did not break the seal and examine it and at the time when he took the charge of investigation, till then no recovery has been made from the possession of accused Ajit Kumar Singh. He stated that he did not take a written statement from the seizing officer, he recorded statements from two self-witnesses throughout the trial and he did not take a written statement from any employee of my department. He did not record their oral statements either. He stated that he did not know the independent witnesses in advance and he did not obtain their Aadhaar cards and they were present at the scene of the crime and one of them was resident of Chapra district and one was resident of Ara district and they did not tell him the purpose of their visit. He stated that he does not remember the time when notice u/s 67 NDPS Act was served on the two seizure list witnesses and they were not informed of any details about the incident and he asked to them about their educational qualification but at present he does



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

not remember about that. He stated that till today no information has been received as to whom, the seized motorcycle belonged to and the seized motorcycle is pending with the RTO, and he has not filed a separate application in court regarding it. He stated that his charge sheet is not incomplete, but it is complete. He stated that no drugs were recovered from the people who were arrested before him. He further stated that he did not file the case himself and he recorded the statements of both accused separately and he does not remember the approximate difference between their statements. He stated that the accused who were apprehended, their mobile phones were not given to him for inquiry, and their mobile phones were with them and the mobile phones of the accused persons had not given to him by the Seizing Officer. He stated that the call details obtained showed that all the accused were in contact with each other and these call details indicate that all the accused were nearby and he does not currently remember the distance from which the accused were communicating. He stated that he obtained call details, but did not obtain voice details or present them anywhere. He did not personally confiscate any drugs from Ajit Kumar. He further stated that he received all the call details together, and a certificate to that effect is on record and he has not mentioned the date of receiving the call details anywhere in his statement. He stated that no officer told him whether any narcotic substance was recovered from Ajit Kumar or not, rather the accused Ajit Kumar Singh was the supplier of the seized narcotic substance. He stated that he did not know the accused Ajit Kumar before the incident and how much time was taken in typing of complaint, is not remember to him. He denied that he deposed falsely.



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

In his Cross - Examination on behalf of Upendra Ram PW 04 has stated that he filed the complaint of this case on May 18, 2022, he was the investigating officer of this case and the place of seizure mentioned in the complaint is the place of occurrence and during the investigation, he visited the place of occurrence. He stated that he does not remember who was the owner of Ganga Dhaba and the people present there, were not given the notice of section 67 of NDPS Act. He stated that Upendra Ram was taken into custody on March 22, 2022, at 18:05 and the investigation was taken over from Ashutosh Kumar on March 22, 2022, at 1:00 PM at the NCB office. He stated that he does not know for how long Upendra Ram was in Ashutosh Kumar's custody and he does not remember at present, that from when or what time the accused was in their custody. He stated that the notice u/s 67 of NDPS Act used to issue during an inquiry and the notice u/s 67 of NDPS Act against Upendra Ram was issued by Mr. Ashutosh Kumar, the seizure officer. He stated that in search, notice u/s 67 of NDPS Act, the arrest memo etc, are to be shown. and due to a typing mistake, the time has been wrongly written and the same was corrected by his initial signature and submitted before court. He stated that by giving notice u/s 67 of NDPS Act to Upendra Ram, the seizure officer had asked him to go to the NCB office in Patna and give his statement on 22.03.2022 at 13:00 hrs. He stated that in the arrest memo, he has shown the time of arrest as 18:05 hrs, which was crossed by him and written the right time on the same, which bears his initial signature. He stated that he took the charge of investigation as per order of the Superintendent, namely Rajan Kumar and he received all the files in the NCB, Office, Patna. He stated that he did not take the statement to Ashutosh



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

Kumar in writing and he did not serve notice u/s 67 of NDPS Act to Ashutosh Kumar. He stated that the seizure proceedings did not take place in his presence and he does not remember the time, when the seized exhibits were deposited at the NCB office and he got it recorded the after verifying the time of deposit the seized exhibits after verifying his examination in chief. The 'Malkhana' officer was Rajan Kumar, Superintendent. He was in charge of the 'Malkhana' and made entry of the same in register. He stated that the mobile number of Upendra Ram was found to be in the name of Upendra Ram and the same was filed along with the complaint on 18.05.2022. He stated that he does not remember the time of compliance with section 57 of NDPS Act and the chemical test of the heroin was not done in his presence in Calcutta. He further stated that Upendra Ram is in the business of Almirah and boxes and he told about the same. The witness has stated that he is the one who got the Bank Account of accused Upendra Ram frozen and a petition has been filed in court to release the account, regarding which a report is being sought and the said report was filed on May 26, 2023, however, neither the APP nor he, has received the said report. He stated that since a considerable period of time has been passed so, it at present it is not remember to him that, how far is Babura from Ganga Dhaba. He stated that Bada Telpa village is 25 kilometers northwest of Ganga Dhaba and he has been there. This witness has denied the suggestion of the defence that they have wrongly implicated Upendra Ram and deposed falsely.

7. **During the Examination in Chief, PW 05 Rajan Kumar, the Superintendent of NCB, has deposed** that he served as Superintendent at the Narcotics Control Bureau, Patna, from November 2020 to February 2024



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

and on March 21, 2022, Intelligence Officer Ashutosh Kumar presented him with a single-page typewritten secret information, based on that secret information, he formed a team in his own handwriting to take necessary legal action and this is the same secret information letter presented to him by Ashutosh Kumar on March 21, 2022, bearing his and Ashutosh Kumar's dated signatures, which he recognize as having been previously marked as **Exhibit P1**. He deposed that on 22.03.2022, Ashutosh Kumar, Intelligence Officer, who was the seizure officer in this case, deposited the confiscated narcotics, 50 grams of heroin, 1 kg of stones, one packing material, all three packets were in sealed condition and two Honda bikes seized in this case, in the 'Malkhana' of NCB Patna, whose warehouse number was 195. He deposed that as a receipt, he had issued a warehouse receipt to Ashutosh Kumar. The witness has further identified the warehouse receipt and deposed that the receipt is in one page and has his and Ashutosh's dated signatures, which he recognize and which has been previously marked as **Exhibit P-06**. He further deposed that on 23.03.2022, Ashutosh Kumar, Intelligence Officer, who was the seizure officer in this case, presented a compliance report under Section 57 of the NDPS Act, 1985 before him. He further deposed that in this compliance report, Ashutosh Kumar recorded the entire details of the seizure in this case and this compliance report under Section 57 of the NDPS Act, 1985 was presented to him in two pages, on the last page of which he signed by writing "Seen". He further deposed that the last page of this compliance report also bears the signature of Ashutosh Kumar, whom he recognize, which was previously marked as **Exhibit P5**. He deposed that on 24.03.2022, Vinod Kumar, Intelligence Officer, who was also the Investigating Officer of



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

this case, presented a compliance report under Section 57 of the NDPS Act, 1985 to him. In this compliance report, Vinod Kumar recorded details regarding the arrest of the accused Raviranjana Kumar and Upendra Ram arrested in this case. He deposed that this is the same compliance report on which there are dated signatures of him and Vinod Kumar, whom he recognize, which was previously marked as **Exhibit P17**. He further deposed that on March 27, 2022, he handed over two **samples, S1 and P1**, extracted from the seized drugs and the stone before the court, Manoj Kumar Yadav, Constable, NCB, Patna, for chemical testing at CFSL, Kolkata. He stated that he also provided a forwarding letter addressed to the Director, CFSL, Kolkata. He identified the same forwarding letter bearing his and Manoj Kumar Yadav's dated signatures, which he recognize, and was marked as **Exhibit P28**. He deposed that today, he has brought the 'Malkhana' register from NCB Patna to the court and in this 'Malkhana' register at Page 197 and at godown entry serial number 195 the deposit of the drugs seized in this case, the removal of the drugs for sampling, the return of the samples to the Honorable Court, and the return of the drugs to the court and certification under u/s 52 A of the NDPS Act 1985, sending **samples S1 and P1** for chemical test to CFSL, Kolkata, depositing the chemical test report and remnant sample back to the 'Malkhana' of NCB, Patna and returning the seized narcotic substance, etc, the complete details related to the destruction of the substance are recorded. He further deposed that on this page, the details are in his handwriting, his subordinate Manoj Kumar Yadav Havildar and the present 'Malkhana' superintendent's handwriting and on this page are signatures of the witness and Manoj Kumar Yadav, Ashutosh Kumar,



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

Sarvananda, the present 'Malkhana' superintendent and Zonal Director Mr. Kumar Manish is also present. He recognize all the signatures at Page number 197 of this 'Malkhana' register and godown entry serial number 195 have been marked as **Exhibit 29**. The witness has recognize the accused Ajit Kumar Singh as present in the court today.

In his Cross-examination on behalf of accused Ravi Ranjan PW 05 has stated that it is correct to say that his name is not on the witness list and he does not personally know any of the accused.

In his Cross-examination on behalf of accused Upendra Ram PW 05 has stated that he does not remember today at what time he received the compliance under Section 57 NDPS Act 1985 and since he was not a member of the Redding Party, he did not verify on the spot the report presented to him by the Raiding Party and his statement was not taken by the investigating officer. He further stated that the register shown on page 197 of the Malkhana Register remains in the Malkhana Register Office and is updated as and when required. He denied the suggestion of defence that the entry has made at **Exhibit 29**, was made by him on his own and the 'Malkhana' register is checked twice a year by him and senior zonal director and signed by him and the word "verified" is written on it.

In his Cross-examination on behalf of accused Ajit Kumar PW 05 has stated that he is neither the seizure officer nor the investigator in this case and any drugs stored in the 'Malkhana' are kept sealed, he has never opened the seal and examined the drugs and they used to weigh any drugs stored in the 'Malkhana'. He further stated that he did not write the details of the weighing done while keeping it in the storeroom separately in the storeroom register



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

and he did not open the drug packet and give it to anyone for testing and he did not send the drug packet deposited by Ashutosh Kumar in the 'Malkhana' for chemical testing. He further stated that whatever action the researchers take on his direction, they submit it before him for direction and he did not give the 'Malkhana' register to the investigating officer and to his knowledge the copy of the 'Malkhana' register was not given to the accused. He further stated that **Exhibit No. 29** is written in blue and black pen and he wrote the statement in black pen and signed it in black pen, and Ashutosh Kumar signed it in blue pen. This witness admitted that it is correct to say that it is not mentioned on page number 197 of the Malkhana Register that the drugs have been recovered from Ajit Kumar Singh and deposited and his statement was not taken by the investigating officer. PW 05, denied the suggestion of defence that whatever documents are there have been prepared in a wrong manner.

On 12.05.2026 statement of the accused persons namely 1. Ravi Ranjan Kumar, 2. Upendra Ram, 3. Ajit Kumar Singh were recorded u/s 313 Cr.P.C, in which they denied the occurrence and claimed to be innocent and the accused persons not led any defense evidence.

9. The Ld. Special Public Prosecutor appearing on behalf of the State submitted during argument that in this case PW 02 who is the intelligence officer posted in NCB Patna on receiving the secret information about the trafficking of narcotic substance heroin and this information after reduce it into writing put up before the Superintendent of NCB and thereafter, a raiding team was formed and on the alleged place and time of occurrence which has been proved by the prosecution witnesses the raiding team reached there and



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

intercepted the two accused persons in presence of two independent witnesses before whom the entire search and seizure proceeding was conducted. Out of two accused person, one had secretly concealed narcotic substance under the seat of motorcycle i.e. 50 grams of heroin and 1Kg of stone which was meant for mixing in the narcotic substance to enhance its weight. Seizure list was prepared after weighing the narcotic substance and also after testing it then and there and the entire mandatory provisions of the NDPS Act was followed. Both the accused as well as the witnesses were served notices u/s 67 of NDPS Act and in consequence of the statements of the accused as well as the witnesses were recorded by the inquiry officer, which have been duly proved by the prosecution in the court. Both the accused have also taken name of another accused persons who was supplier of the narcotic substance. Later on he was also arrested and his statement was also recorded. To prove the link between all the three accused persons, CDRs of their mobile phones are also on the record alongwith the 65 - B certificate of the Indian Evidence Act. The mandatory provision of sampling of the narcotic substance under section 52-A of the Indian Evidence Act had also been followed and the narcotic substance was sent for chemical analysis which confirms to be heroin of the seized narcotic substance found in the possession of the accused. Thus, the prosecution has succeeded in proving its case beyond all reasonable doubts against all the three accused persons.

10. Ld. Counsel for the defence submitted during argument that there are material contradictions in the statements of prosecution witnesses which affect the root of the case. Both the independent witnesses before whom the alleged search and seizure proceeding was conducted by the prosecution,



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

have not been produced before the court for their evidence about the search and seizure proceeding. Though, their statements were recorded after notice u/s 67 of NDPS Act but these statements of the witnesses can not be used in the evidence because prosecution has failed to show before the court that why it has failed to produce the witnesses before the court and thus, the mandatory provision regarding using of the statements given in consequence of notice u/s 67 of NDPS Act has not been followed. The prosecution has failed to prove the fact regarding the owner of the motorcycle which was allegedly used by the accused persons committing the offence. The evidence of CDRs is not a substantive piece of evidence rather it is corroborative in nature. This principal has been laid down by the Hon'ble Apex Court in catena its judgments. The evidence regarding recovery, its trafficking, its supply by one of the accused are not clinching. Thus, the prosecution has failed to prove its case against the accused persons beyond all reasonable doubts. Consequently all the accused persons deserve acquittal.

Now, the point of determination is that whether the prosecution has become able to prove its case against the accused beyond shadow of reasonable doubt or not?

FINDINGS

12. In this case PW 02, Ashutosh Kumar, an intelligence officer, posted in NCB, Patna received a secret information on 21.03.2022 at 07:00 PM, that one Ravi Ranjan Kumar, resident of Chhota Telpa, Sahebganj, District Chhapra was bringing narcotic substance heroin on a Honda Shine Bike bearing registration no. BR 29A 9291 and was going to deliver it on 22.03.2022 in between 08:30 to 10:00 AM to one Upendra Ram, resident of Bada Telpa,



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

Sahebganj, District Chhapra at Dayal Chak, near Ganga Dhaba and the registration no. of his bike is BR 04N 0646. After reducing the information into writing it was put up before PW 05, Rajan Kumar, Superintendent NCB, Patna which also bears the signatures of PW 02, which is **Exhibit P1**. Thereafter, a four member raiding team was formed by PW 05, Rajan Kumar, in which PW 02 was appointed as seizure officer and the team reached at 07:30 AM at Dayal Chak, near Ganga Dhaba, having DD Kit, electronic weighing machine, NCB 1 seal and some other important articles from NCB office Patna. At 09:30 AM, one person driving a motorcycle bearing registration no. BR 29A 9291 was seen coming from Babura Dayal Chak and at the same time another person driving a motorcycle bearing registration no. BR 04N 0646 was seen coming from Chhapra. They both met near Ganga Dhaba and started talking to each other then PW 02 alongwith his team and two independent witnesses reached near them and asked their name and address after giving their introduction then the person who was on the motorcycle bearing registration no. BR 29A 9291 told his name Ravi Ranjan Kumar and the other person who was on the motorcycle bearing registration no. BR 04N 0646 told his name Upendra Ram. Since, the team had already secret information about the trafficking of narcotic substance heroin by Ravi Ranjan Kumar then there was no need to search his person hence, no notice was given u/s 50 of the NDPS Act. When the bike of Ravi Ranjan Kumar was searched in presence of two independent witnesses namely Kamalkant Thakur and Pawan Kumar, a blue coloured gunny bag was recovered which was secretly concealed under the seat of the motorcycle and on opening it a transparent plastic bag was found in which a brown coloured powder-like



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

substance which appeared heroin was recovered. A black coloured plastic was also recovered from the blue coloured gunny bag in which a brown coloured solid substance appeared to be stone was recovered and when a small quantity of suspected narcotic substance heroin as tested through DD Kit, the narcotic substance heroin was confirmed. All the recovered substance were separately wrapped in a 'Markin' cloth and after sewing, it marked 'A', 'B' and 'C' respectively and all the three packets were sealed by the NCB 1 seal. Packets 'A', 'B' and 'C' also bear signatures of seizure officer (PW 02), both independent witnesses and both suspected persons namely Ravi Ranjan Kumar and Upendra Ram. A search cum seizure list was prepared on the spot, which bears signatures of PW 02 (seizure officer), both the independent witnesses and both the accused persons namely Ravi Ranjan Kumar and Upendra Ram and the NCB 1 seal which was used to seal all the three packets was affixed on the last page of the search cum seizure list. PW 02, Ashutosh Kumar, has proved the seizure list containing eight page, which is **Exhibit P2**. PW 02, Ashutosh Kumar also proved the 'Malkhana' receipt by which all the seized three packets and seized both the bikes were deposited in NCB 'Malkhana'.

13. PW 04, Vinod Kumar, who is investigating officer of this case has recorded the voluntary statement of the accused Upendra Ram who was issued notice / summons u/s 67 of NDPS Act, in his statement he admitted his involvement in the smuggling of seized heroin and he also disclosed the name of supplier of the seized narcotic substance as Ajit Kumar Singh and also disclosed the mobile numbers of his own, co-accused Ajit Kumar Singh and Ravi Ranjan Kumar as 6204218889, 9905858462 and 9608099535 respectively. This



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

accused also identified the supplier of the seized narcotic substance heroin on being shown the photograph as Ajit Kumar Singh. PW 04, Vinod Kumar, investigating officer of this case, also proved his signature on such written voluntary statement of accused Upendra Ram, which is **Exhibit 7**. On such voluntary written statement and recovery of narcotic substance heroin accused Upendra Ram was arrested on 22.03.2022 at 18:05 O'clock u/ss 8 (c), 21 (b), 25 and 29 of the NDPS Act. This witness has proved the arrest memo of accused Upendra Ram, which is **Exhibit 8**. Thereafter, the accused Upendra Ram was searched in which his mobile phone whose number is 6204218889 and some other articles were recovered, which was reduced into writing and this witness has proved it, which is **Exhibit 9**. The accused Ravi Ranjan Kumar also given his voluntary statement in writing in compliance of section 67 of NDPS Act, in which he confessed his guilt and also stated that the co-accused Upendra Ram was the delivery man of such narcotic substance and Ajit Kumar Singh was the supplier of the such seized narcotic substance heroin and also disclosed the mobile numbers of co-accused persons and revealed the involvement of accused Upendra Ram being delivery man of such seized narcotic substance and Ajit Kumar Singh as supplier of the seized narcotic substance heroin. This witness proved the voluntary written statement of the Ravi Ranjan Kumar which contains total five pages as **Exhibit P 10**. On the such statement and recovery the accused Ravi Ranjan Kumar was arrested at about 21:45 O'clock u/ss 8 (c), 21 (b), 25 and 29 of the NDPS Act. The arrest memo of the accused Ravi Ranjan Kumar which bears the signature of PW 02 and accused, was marked as **Exhibit P 11**. Thereafter, on such a mobile phone whose number is



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

9608099535 was recovered from the accused Ravi Ranjan Kumar and such search was reduced into writing and this witness proved it, as Exhibit P12. This witness also recorded the statements of the two independent witnesses namely Komalkant Thakur and Pawan Kumar in compliance of the notice u/s 67 of the NDPS Act, which contains two pages. PW 04 proved this notice as **Exhibit P14** and also proved the voluntary statements of both the witnesses, which bears their signatures as **Exhibit P15**. In their statements both the independent witnesses admitted this fact that they were present on the scene of occurrence during the entire proceeding of search and seizure. On the confessional statements of both the accused namely Ravi Ranjan Kumar and Upendra Ram, the PW 04, investigating officer of this case, submitted an application on 20.04.2022 before the court to issue production warrant for the accused Ajit Kumar Singh. PW 04, Vinod Kumar, with the help of police station Town, Chhapra, searched the house of the accused Ravi Ranjan Kumar as well as Upendra Ram, but no incriminating material was recovered from both the houses. The CAF and CDR of the mobile number 8709566822 which was being used by the accused Ajit Kumar Singh contains 47 pages along with certificate u/s 65-B of the Indian Evidence Act was proved by the PW 04 as **Exhibit P22**, The CAF and CDR of the mobile number 968099535 which was being used by the accused Ravi Ranjan Kumar and the CAF and CDR of the mobile number 6204218889, which was using by the accused Upendra Ram along with the certificate u/s 65-B of Indian Evidence Act, which contains 208 pages, which is proved by PW 04 as **Exhibit P23**. This witness also proved the confessional statement of accused Ajit Kumar Singh, which bears the signatures of this witness as well as of the accused



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

Ajit Kumar Singh as **Exhibit P25**. PW 04, Vinod Kumar in his evidence also stated that the accused Ajit during his confessional statement identified the accused Ravi Ranjan Kumar and Upendra Ram by their photograph who were involved in the drug trafficking.

14. In compliance of section 52-A of the NDPS Act the sampling of the seized narcotic substance heroin was done before the court, which was sent to CFSL, Kolkata for its chemical analysis, PW 04, Vinod Kumar has proved the forwarding of PW 05, Rajan Kumar, by which both the samples were sent to CFSL, Kolkata, which contains five pages as **Exhibit P 18**. The report of CFSL, Kolkata of both the samples, which contains total three pages was proved by PW 04 as **Exhibit P 19** in which the sample **SI** was found positive for narcotic substance heroin.

15. PW 05, Rajan Kumar, Superintendent of NCB, Patna who produced the 'Malkhana' register before the court and proved that this is the 'Malkhana' register at Page 197 and at godown entry serial number 195 the deposit of the drugs seized in this case, the removal of the drugs for sampling, the return of the samples to the Honorable Court, and the return of the drugs to the court and certification under u/s 52 A of the NDPS Act 1985, sending **samples S1 and P1** for chemical test to CFSL, Kolkata, depositing the chemical test report and the residual sample back to the 'Malkhana' of NCB, Patna and returning the seized narcotic substance, etc, the complete details related to the destruction of the substance are recorded. He further proved that on this page, the details are in his handwriting, his subordinate Manoj Kumar Yadav Havaladar and the present 'Malkhana' superintendent's handwriting and on this page are signatures of the witness and Manoj Kumar



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

Yadav, Ashutosh Kumar, Sarvananda, the present 'Malkhana' superintendent and Zonal Director Mr. Kumar Manish. He recognize all the signatures at Page number 197 of this 'Malkhana' register and godown entry serial number 195, which have been marked as **Exhibit 29**.

16. When the CAF and CDR of all the mobile phones using by all the three accused persons were analyzed then it was found that the accused Ravi Ranjan Kumar called on both the mobile phones of the accused Ajit Kumar Singh 6 and 34 times respectively and in addition to it the accused Ravi Ranjan Kumar called on the mobile number of accused Upendra Ram, 245 times. The follow chart of the mobile numbers of the accused persons calling to each other is proved by PW 04 as **Exhibit P26**. PW 04 has also proved the complaint petition containing 30 pages, which was filed after completion of the investigation before the District & Sessions Judge, Ara as **Exhibit P27**. All the proceeding of sampling of the recovered narcotic substance heroin was done before the first class Magistrate on 26.03.2022, two samples **SI and P1** both are 0.05 grams were drawn and sealed and two samples each 0.25 grams was taken from the brown colour solid stone whose weight was 1 Kg and both samples were sent for chemical analysis to CFSL, Kolkata. The forwarding of PW 05 Rajan Kumar, which contained five pages, was signed by the PW 05 that was identified by the PW 04, the investigating officer which is Exhibit 18. The test report of CFSL, Kolkata containing in three pages is **Exhibit 19**. The FSL report regarding the S1 sample, which was taken out from the recovered 50 grams brown coloured powder like heroin has confirmed the narcotic substance is heroin. PW 04 who is investigating officer has proved the notice given to both of the independent witnesses



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2025

namely Komalkant Thakur and Pawan Kumar for recording of their voluntary statement before him, is **Exhibit P14**. In compliance of such notice both the independent witnesses got recorded their voluntary statement in which they supported the entire procedure of search and seizure. This statement containing two pages was proved by PW 04, which is **Exhibit P15** but the court can not use it in the evidence because there is no explanation offered by the prosecution about their failure to examine these two independent material witnesses then, section 53-A of the NDPS Act is not proved, hence the statement of both the witnesses are not admissible evidence, but the entire search and seizure which was done by PW 02 is fully proved by the prosecution and the seizure list is also proved and there is nothing adverse on the to reach any conclusion against the prosecution in proving the search and seizure proceeding in absence of the evidence of these two independent witnesses, hence, the recovery of narcotic substance heroin is fully proved against the accused Ravi Ranjan Kumar.

The narcotic substance heroin was recovered from the possession of accused Ravi Ranjan Kumar, which was confirmed by the FSL report, all the mandatory provisions regarding search, seizure and sampling have been proved by the prosecution. The defence could not bring any material contradiction in the cross examination of the prosecution witnesses. Though, there may be some minor contradictions in the evidence of the prosecution witnesses which is natural and bound to occur but there is no material contradiction which adversely affects the case of prosecution or inspire any confidence regarding falsification of the evidence of the prosecution witnesses. Chain of custody of the seized articles including the narcotic



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

substance heroin is fully proved by the prosecution witnesses and the defense could not bring any fact during cross examination of the witnesses regarding any presumption against it which favours the defence. The place of occurrence were searched and seizure proceeding was done by the PW 02 is fully proved. The Ld. counsel for the defence has taken a plea during argument that, there is no evidence on the regarding this fact that the motorcycle which was allegedly using by the accused Ravi Ranjan Kumar, was in his name or any other person. In this regard it is important to note that the presence of the accused Ravi Ranjan Kumra on the alleged date and time and also the fact that the narcotic substance heroin was recovered from the motorcycle which he was driving. The seizure list was prepared by the PW 02, which is fully proved by him. In the cross examination of PW 02 defence has failed to elicit any fact which adversely affect the case of prosecution or destroys the veracity of the statement of PW 02. As per prosecution case the entire search and seizure proceeding was done in presence of two independent witnesses, but the prosecution has failed to produce then before the court for their evidence. Though, the voluntary statements of both the independent witnesses were recorded by the PW 04, which is **Exhibit P15** but the court can not use it in the evidence because there is no explanation offered by the prosecution about their failure to examine these two independent material witnesses then, section 53-A of the NDPS Act is not proved, hence the statement of both the witnesses are not admissible evidence, but the entire search and seizure which was done by PW 02 is fully proved by the prosecution and the seizure list is also proved and there is nothing adverse to reach any conclusion against the prosecution in proving



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

the search and seizure proceeding in absence of the evidence of these two independent witnesses, hence, the recovery of narcotic substance heroin is fully proved against the accused Ravi Ranjan Kumar.

18. There is only evidence against the accused Upendra Ram that, on the date and time of occurrence, he also reached at the place of occurrence on the motorcycle and was talking to the accused Ravi Ranjan Kumar. The prosecution has tried to prove that this accused reached there to take delivery of such narcotic substance from the accused Ravi Ranjan Kumar and in this regard the prosecution has produced his voluntary written confessional statement and also the confessional statements of accused Ravi Ranjan Kumar and Ajit Kumar Singh. The prosecution has also produced the CAF and CDR of mobile number 9608099535, 6204218889 used by Ravi Ranjan Kumar & Upendra Ram respectively, which tends to show that all the three accused persons were frequently talking to each other not only on the alleged date of occurrence but also some time before the occurrence. But there is no voice call record of the accused Upendra Ram, talking to other accused persons. The call records of the mobile phone / number is not the substantive proof of evidence, but only is corroborative in nature. But in this case there is no substantive evidence against the accused regarding indulgence in this offence or active involvement in the illegal trafficking of narcotic substance. During course of investigation, the house of the accused Upendra Kumar was raided but no any incriminating material was recovered from his house. Regarding the admissibility of confessional statements of the accused in NDPS Case given in compliance of the notice u/s 67 of the NDPS Act, the Hon'ble Apex Court in paragraphs 158.1 and 158.2 of **Toofan Singh's Case**



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2025

AIR 2020, SC 5592 has held: "158.1. That the officers who are invested with powers under Section 53 of the NDPS Act are "Police officers" within the meaning of Section 25 of the Evidence act, as a result of which any confessional statement made to them would be barred under the provisions of the Section 25 of the Evidence Act, and cannot be taken into account in order to convict an accused under the NDPS Act. 158.2. That a statement recorded under Section 67 of the NDPS Act cannot be used as a confessional statement in the trial of an offence under the NDPS Act."

Admittedly, the confessional statements were made by the accused to an officer empowered under Section 53 of the NDPS Act and hence, in view of the bar of Section 25 of the Evidence Act, the confessional statements will have to be kept out of consideration.

19. The charge against the accused Ajit Kumar Singh is that he was the supplier of the seized narcotic substance heroin which was recovered from the conscious possession of the accused Ravi Ranjan Kumar and to prove this charge the prosecution placed reliance on the confessional statements of accused persons which were given after supplying to them notice u/s 67 of NDPS Act, besides the same the prosecution has placed reliance on the CAF and CDR of the mobile number of the accused persons including the mobile number / phone of accused Ajit Kumar Singh also. In this regard the Ld. Special PP appearing on behalf of prosecution argued that all the three accused persons were frequently talking to each other not only on the alleged date of occurrence but also some time before the occurrence. But there is no voice call record of the accused Upendra Kumar, talking to other accused persons. The call records of the mobile phone / number is not the substantive



Presiding Officer : Sangam Singh

NDPS Case No. 49 of 2022

Date of Judgment: 01.08.2026

proof of evidence, but only is corroborative in nature. But in this case there is no substantive evidence against the accused regarding indulgence in this offence or active involvement in the illegal trafficking of narcotic substance. So, far as the other evidence i.e. confessional statement of accused Ajit Kumar Singh as well as of other two accused person is concerned, regarding the admissibility of confessional statements of the accused in NDPS Case given in compliance of the notice u/s 67 of the NDPS Act, the Hon'ble Apex Court in paragraphs 158.1 and 158.2 of **Toofan Singh's Case AIR 2020, SC 5592** has held: *"158.1. That the officers who are invested with powers under Section 53 of the NDPS Act are "Police officers" within the meaning of Section 25 of the Evidence act, as a result of which any confessional statement made to them would be barred under the provisions of the Section 25 of the Evidence Act, and cannot be taken into account in order to convict an accused under the NDPS Act. 158.2. That a statement recorded under Section 67 of the NDPS Act cannot be used as a confessional statement in the trial of an offence under the NDPS Act."*

Admittedly, the confessional statements were made by the accused to an officer empowered under Section 53 of the NDPS Act and hence, in view of the bar of Section 25 of the Evidence Act, the confessional statements will have to be kept out of consideration.

20. As per section 29 of the NDPS Act, 1985, which punishes abetment and criminal conspiracy and in such a case the prosecution must prove that the accused actively plant, agreed or assisted in committing an offence under Chapter - IV of the Act. The Supreme Court of India has consistently held that, the legal presumptions under the NDPS Act (like means rea) cannot be



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

used unless foundational facts are first proved beyond reasonable doubt. To secure a conviction against an accused person u/s 29 of the NDPS Act the prosecution must establish the following facts : 1. Proof of the main offence, 2. Identity of contraband substance, 3. Meeting of minds, 4. common design, 5. Active facilitation, 6. call detail records: 6. Financial Transactions, 7. Corroboration of disclosure statements. But in this case only para 6 is fulfilled against accused Ravi Ranjan Kumar, Upendra Ram and Ajit Kumar Singh, which is not enough to prove charge u/s 29 of the NDPS Act against the accused persons. It can only create a great suspicion against the accused persons but it can not take place of evidence. Hence prosecution has failed to prove the charge u/s 29 against the accused Ravi Ranjan Kumar, Upendra Ram and Ajit Kumar Singh.

21. The weight of the recovered narcotic substance was 50 grams, which was produced before the first class Magistrate and two samples **S1 and DI**, 0.05 grams each was prepared and two samples **P1 and D2** each 0.25 grams was taken out from seized article which was a brown colour solid stone of 1 Kg, and such report was forwarded to the District & Sessions Judge, Bhojpur, Ara by certifying the preparation of samples, which was later on sent to CFSL, Kolkata for testing with the permission of the court and such report which is **Exhibit 19** confirmed the sample to be heroin. The date on which the narcotic substance heroin was recovered from the possession of the accused Ravi Ranjan Kumar and was kept in 'Malkhana' after sealing it and thereafter, was taken out from the 'Malkhana' to produce before the court for sampling and then again kept in 'Malkhana' for sending it to CFSL, Kolkata for testing the entire chain of custody is intact and fully proved by the prosecution and



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

there is no adverse material on the record to reach any adverse conclusion to the prosecution.

Order

22. In view of the discussion made above the prosecution has miserably failed to prove the charge against the accused Upendra Ram, who is on bail and accused Ajit Kumar Singh, who is in custody, u/s 21 (b) and 29 of NDPS Act and both the accused persons deserve acquittal hence, they are acquitted from the charge of offences, u/s 21 (b) and 29 of the NDPS Act. Accused Upendra Ram is on bail, accordingly, he and his sureties are discharged from their respective bail bonds and accused Ajit Kumar Singh, is in custody, hence he is released forthwith from the custody, if he is not required in any other case. Likewise accused Ravi Ranjan Kumar also deserve acquittal against the charge u/s 29 of NDPS Act, hence, accused Ravi Ranjan Kumar is acquitted of the offence punishable u/s 29 of the NDPS Act. But, the Prosecution has proved the charge against accused Ravi Ranjan Kumar u/s 21 (b) of NDPS Act beyond the shadow of all reasonable doubt and hence, accused Ravi Ranjan Kumar is convicted u/s 21 (b) of NDPS Act. Convict Ravi Ranjan Kumar is on bail, accordingly, the bail bonds of the convict Ravi Ranjan Kumar has been canceled and he is taken into custody and remanded to jail and he is directed to be produced before the court on 10.08.2026 for hearing on the question of sentence.

Put up on the 10.08.2026 for hearing on the question of sentence.

Dictated and corrected by me



IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE , IIIrd
BHOJPUR AT ARA

Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026



Additional Sessions Judge, IIIrd,
Bhojpur at Ara
01.08.2026



(Sangam Singh)
Additional Sessions Judge, IIIrd,
Bhojpur at Ara
01.08.2026



Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

10.08.2026

Order on the question of sentence

This case is fixed for hearing on the question of sentence. Convict Ravi Ranjan Kumar is produced from custody.

It is submitted on behalf of the counsel for the convict that, the convict is a young person, aged about 35 years old, having two children, there is no previous conviction on the record and he has not any criminal antecedent. He further submits that the convict is only bread winner of his family and earns his livelihood by making Steel Almirah and his father is a paralyzed person and the convict is his only son to care. The Ld. counsel for the convict further submits that the convict was very cooperative during the trial. Ld. Counsel for the convict further prays for taking lenient view while awarding the sentence.

On the contrary Ld. Special P.P. has submitted that 50 grams heroin has been recovered and the same falls under the category of intermediate quantity and the convict was involved in smuggling of narcotic substance heroin, which not only affects individual but also the whole society financially, socially and ruin the life of the persons being the drug addicted and prays for maximum sentence for the convict.

I heard both the parties on the question of sentence. Keeping in view the quantity of the recovered narcotic substance 'heroin', which comes under intermediate quantity and all other facts and circumstances of the case, a sentence of 5 years of rigorous imprisonment and a fine of rupees twenty thousand would fulfill the ends of justice. Thus, convict Ravi Ranjan Kumar is sentenced to rigorous imprisonment of 5 years and also sentenced to a fine



IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE, IIIrd
BHOJPUR AT ARA

Presiding Officer : Sangam Singh
NDPS Case No. 49 of 2022
Date of Judgment: 01.08.2026

of rupees twenty thousand and in default of payment of fine the convict shall further undergo a sentence of six months simple imprisonment. The period already undergone by the convict during investigation, enquiry and trial shall be set off from the sentence awarded.

Copy of judgment and order of sentence be given to the convict free of cost. Judgment and order of sentence are pronounced in open court. Office is directed to consign the record in Record Room.

Dictated and corrected by me


Additional Sessions Judge, IIIrd,
Bhojpur at Ara
10.08.2026


(Sangam Singh)
Additional Sessions Judge, IIIrd,
Bhojpur at Ara
10.08.2026

