

Union Of India, (Directorate Of Revenue Intelligence) Through
Special Pp

----Respondent

For Petitioner(s) : Mr. Nitin Bhandari
Mr. Surya Prakash Sharma
Mr. Ravi Kant Sharma

For Respondent(s) : Mr. Anil Upman in Criminal Misc. Bail
Cancellation Application No.126/2021

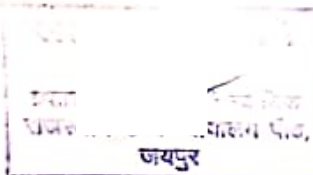
For DRI : Mr. Kinshuk Jain

HON'BLE MR. JUSTICE PANKAJ BHANDARI

Order

ORDER RESERVED ON :: **23/02/2022**
ORDER PRONOUNCED ON :: **01/04/2022**

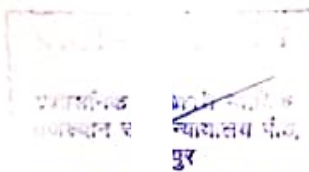
1. While hearing Bail Application Nos.4216/2021, 4436/2021 and 4804/2021, an argument was raised by the counsel for the accused that mastermind of the case accused respondent - Anand Singh has been granted bail by this Court vide order dated 5.3.2021. It was also argued that the accused petitioners have been charged for offence under Sections 22-C, 23-C, 25, 29 read with Sections 2, 8-C and 9(1-A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as "the NDPS Act") and Rules 65-A and 66 of the Narcotic Drugs and Psychotropic Substances Rules, 1985 whereas accused respondent - Anand Singh in addition to the above has also been charged for offence under Section 8/27-A of the NDPS Act. On the contentions raised before this Court, the Court directed to register *suo moto* bail cancellation whereupon S.B. Criminal Bail Cancellation Application No.126/2021 was registered and notices were issued to the accused respondent - Anand Singh.



2. Since all the matters are pertaining to a complaint registered at Police Station Directorate of Revenue Intelligence, Regional Unit, Jaipur, bail cancellation application as well as bail applications were heard together and are now being disposed of by this common order.

3. Briefly stated the facts of the case are that an information was received by Directorate of Revenue Intelligence (for short "DRI") that huge quantity of psychotropic substances, were regularly being smuggled to the USA from Jaipur through Courier/Post by a Syndicate based in Rajasthan. A search was conducted by the DRI Officers at 176-B, Nirwan House, K-5 C-Scheme, Khatipura, Jaipur. The said house was belonging to Jagdish Singh, Retired Captain. As per the statement of Jagdish Singh, this house was rented to Shri Bhagwan Sain. Commercial quantity of psychotropic substances was recovered from the above-mentioned house. Raid was also conducted at House No.252, Ward No.7, Sadar Bazar, Nasirabad and 13207 tablets/injections were seized. This premises belonged to Anil Chaukdiwal and Deepak Chaukdiwal. On the basis of the material found in the mobile of the accused and their respective statements regarding shipments, the Officers of DRI, DZU, New Delhi seized 28830 tables from EICI Express Terminal (Fedex Express), IGI Airport, New Delhi and 32560 tables from DHL Express India Pvt. Ltd., 71/3, Najafgarh Industrial Estate, Rama Road, Moti Nagar, New Delhi at DHL on 23.10.2019. These contraband substances were also in commercial quantity.

4. It is contended by the counsel for the accused respondent - Anand Singh that the bail was granted to him on 5.3.2021. The accused respondent - Anand Singh has not flouted any condition



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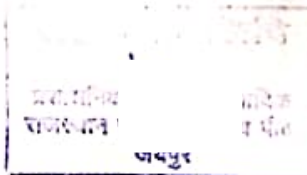
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of the bail order and the bail cannot be cancelled as the accused respondent has not concealed any material from this Court.

5. It is contended by the counsel for the accused Anil Chaukdiwal, Bhagwan Sain and Deepak Chaukdiwal that accused respondent - Anand Singh was the mastermind and main accused. Out of list of 36 witnesses, only 6 witnesses have been examined till now. As per the charge-sheet, recovery was effected from the godown of Anand Singh and he has been charged for the offence under Section 27-A of the NDPS Act whereas accused Anil Chaukdiwal, Bhagwan Sain and Deepak Chaukdiwal have been discharged of the said offence. It is contended by the counsel for the accused Bhagwan Sain that he was not aware of the contraband and his work was limited only to transporting the goods on the instructions of accused respondent - Anand Singh.

6. Counsel for DRI contends that accused respondent - Anand Singh is the mastermind of the Smuggling Syndicate. Accused respondent - Anand Singh exported these psychotropic substances to USA with the help of his associates, who helped in packing of psychotropic substances in various marble articles like flower pots, statues and for further booking of parcels in GPO/DHL/Fedex Courier. It is also contended that Anand Singh was procuring these psychotropic substances from one Deepak Chaukdiwal and his brother Anil Chaukdiwal, who are based in Nasirabad, Rajasthan.

7. It is further contended by the counsel for the DRI that Khatipura House was taken on rent by Shri Bhagwan Sain, but in fact, it was Anand Singh, who was controlling the premises and from this premises, 81220 tablets of psychotropic substances were recovered. It is contended that from House No.252, Ward No.7, Sadar Bazar, Nasirabad, 13207 tables/injections were recovered.

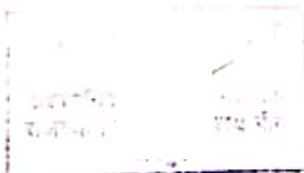


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This premises was in possession of accused Anil Chaukdiwal and Deepak Chaukdiwal. It is also contended that on the basis of material found in the mobile of the accused and their respective statements, 28830 tablets from EICI Express Terminal (Fedex Express), IGI Airport, New Delhi and 32560 tables from DHL Express India Pvt. Ltd., 71/3, Najafgarh Industrial Estate, Rama Road, Moti Nagar, New Delhi were seized.

8. It is contended that accused respondent - Anand Singh was not entitled to bail as seized quantity of the contraband is commercial quantity. As per *panchnama* dated 22/23.10.2019, during the search of premises in Khatipura on 22.10.2019, Ashok Khandelwal and Bhagwan Sain were found concealing these psychotropic substances in marble statue for export. Later on, Anand Singh came to the above premises for checking whether his associates were correctly packing the psychotropic substances or not. Further, relevant photos and WhatsApp chats were found in the mobile phone of respondent accused - Anand Singh, which clearly show that he was receiving order online for these psychotropic substance and same were being exported to USA. Accused respondent - Anand Singh was purchasing the material from accused Anil Chaukdiwal and Deepak Chaukdiwal and was concealing the same in flower pots and statues and shipping it to USA. It is also contended that the payment for the psychotropic substances were received in the account of accused respondent - Anand Singh. This was revealed from the material found in accused respondent - Anand Singh's WhatsApp chat and photos. It is also contended that there is call recording on record of the accused petitioners - Anil Chaukdiwal and Deepak Chaukdiwal with accused respondent - Anand Singh. Similarly, there is call



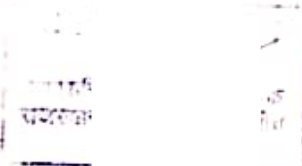
recording on record of accused respondent - Anand Singh with other members of the Drugs Syndicate.

9. It is further contended that Bhagwan Sain was in conscious possession of the psychotropic drugs. He was found at the Khatipura premises, which he had taken on rent and from where commercial quantity of psychotropic drugs was seized. It is contended that Bhagwan Sain used to receive delivery of the psychotropic substances and by concealing the same in marble pots and statues, booked the parcels from General Post Office.

10. I have considered the contentions and perused the material available on record.

11. Present case pertains to a Drugs Syndicate, which was transporting psychotropic drugs in marble pots and statues to USA. Recovery of psychotropic drugs was effected from 176-B, Nirwan House, K-5 C-Scheme, Khatipura, Jaipur and from House No.252, Ward No.7, Sadar Bazar, Nasirabad. Recovery was also effected from EICI Express Terminal (Fedex Express), IGI Airport, New Delhi and premises of DHL Express India Pvt. Ltd., 71/3, Najafgarh Industrial Estate, Rama Road, Moti Nagar, New Delhi. Commercial quantity of drugs was seized at each place. From the charge-sheet filed by the DRI, it is evident that accused respondent - Anand Singh is the mastermind and principal accused of the case, who was operating the Syndicate. Relevant photos and WhatsApp chats were found in the mobile phone of respondent accused - Anand Singh, which clearly show that he was receiving order online for these psychotropic substance and same were being exported to USA.

12. The contention of the counsel for the accused respondent - Anand Singh that the Court cannot review its order cannot be

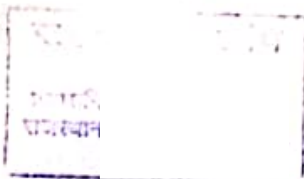


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accepted for the very reason that Section 439(2) of Cr.P.C. is an independent clause, which authorizes the Court to cancel the bail. The fact of recovery of the commercial quantity of contraband in Delhi from IGI Airport and from premises of DHL Express Indian Pvt. Ltd. was never put up before this Court at the time when the bail application of accused respondent - Anand Singh was allowed. It is also evident that now the trial Court has framed the charges against accused respondent - Anand Singh and in addition to the charges, which have been framed against other co-accused, he has also been charged for the offence under Section 8/27-A of the NDPS Act, which pertains to charges of financing illicit traffic and harbouring offenders. As per the mandate of Section 37, a person who is dealing with the commercial quantity of contraband is not entitled to bail unless the Court is satisfied that there is no material to consider the accused as guilty and that if the bail is granted, he would not repeat the offence.

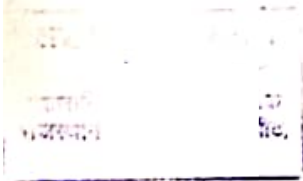
13. The involvement of accused respondent - Anand Singh is writ large from the very fact that relevant photos and WhatsApp chats were found in the mobile phone of respondent accused - Anand Singh, which clearly show that he was receiving order online for these psychotropic substance and same were being exported to USA. Further, from the charge-sheet, it is also revealed that Anand Singh was the mastermind, who was running the Drugs Syndicate. Further, presence of Anand Singh is also shown during the search of premises in Khatipura from where recovery of contraband in commercial quantity was made. There is also evidence that payment for the psychotropic substances were received in the account of accused respondent - Anand Singh. Anand Singh has accepted in his statement that he was receiving



the payment of these drugs in cash or in his account. This Court, therefore, deems it proper to cancel the bail application granted to accused respondent – Anand Singh through order dated 5.3.2021. The *suo moto* bail cancellation application is accordingly allowed. The bail granted to accused respondent - Anand Singh stands cancelled. He should be taken in custody forthwith.

14. As far as bail applications of accused Anil Chaukdiwal and Deepak Chaukdiwal i.e. S.B. Criminal Bail Application Nos.4216/2021 and 4804/2021 are concerned, from their premises commercial quantity of drugs was recovered. It has come in the charge-sheet that they supplied psychotropic drugs to the Drugs Syndicate of which Anand Singh was the mastermind. Hence, this Court is not inclined to entertain the bail applications of accused Anil Chaukdiwal and Deepak Chaukdiwal and the same are accordingly dismissed.

15. As far as accused Bhagwan Sain is concerned, from the premises, which he had taken on rent, commercial quantity of contraband was recovered. It was found that marble pots and statues were being used to conceal the drugs for shipping them to USA. Further, accused Bhagwan Sain in his statement recorded under Section 67 of the NDPS Act admitted that he had taken the premises on rent and that he has been receiving the consignments of drugs and after concealing the psychotropic drugs in marble pots and statues, the same were being transported. Further, the petitioner was also responsible for booking of these parcels from General Post Office. Therefore, this Court is not inclined to entertain the bail application of accused Bhagwan Sain and the same is accordingly dismissed.



16. Consequently, S.B. Criminal Bail Application No.4216/2021 of accused Anil Chaukdiwal, S.B. Criminal Bail Application No.4804/2021 of accused Deepak Chaukdiwal and S.B. Criminal Bail Application No.4436/2021 of accused Bhagwan Sain are dismissed and S.B. Criminal Bail Cancellation Application No.126/2021 of accused respondent - Anand Singh is allowed and bail granted to him is accordingly cancelled. Trial Court is directed to take him in custody forthwith.

17. A copy of this order be placed in each file.

RAJ

(PAN, ...)

SUNIL SOLANKI /PS

