



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 2619/2023

1. Khiya Ram Jat S/o Jodha Ram, Aged About 37 Years, R/o Khetaniyo Ki Dhani, Hudasar, P.s. Taratara, District Barmer, Rajasthan. (Currently Working As Inspector, Narcotics Control Bureau, Jodhpur)
2. Bhagwan Sahay Meena S/o Krishan Meena, Aged About 42 Years, R/o Village Bhavpura, Tehsil Jamwa Ramgarh, Bainara, District Jaipur. (Currently Working As Sub-Inspector, Narcotics Control Bureau, Jodhpur)
3. Bhagirath S/o Mangilal, Aged About 39 Years, R/o Village Kagal, Tehsil Pipar City, District Jodhpur. (Currently Working As Sepoy, Narcotics Control Bureau, Jodhpur)

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Kuldeep Panwar S/o Sohan Singh Panwar, Aged About 27 Years, R/o Bassi Nagar, Gram Panchayat Basni, Police Thana Mathaniya, Jodhpur, Rajasthan. (Currently Behind Post Office Mandore, Police Station Mandore, District Jodhpur)

----Respondents

For Petitioner(s) : Mr. Anand Purohit, Sr. Adv. assisted by Mr. Mayank Roy and Mr. Kailash Khilery.

For Respondent(s) : Mr. M.R. Pareek for NCB.
Mr. Mahipal Bishnoi, PP.
Mr. Utkal Ranjan Sahu, Director General of Police, NCB, on VC.
Mr. Ghansyam Soni, Zonal Director, NCB, on VC



HON'BLE MR. JUSTICE ARUN MONGA

Order(Oral)

26/07/2024

1. Petitioners, are serving officials of Narcotics Control Bureau, posted as Inspector, Sub Inspector and Constable, respectively. They are before this Court seeking quashing of an FIR No.212, dated 21.06.2022, registered against them by state police officials for alleged offences under Sections 365, 384, 389 & 34 of IPC, at Police Station Chopasani Housing Board, District Jodhpur City West.

2. The FIR alleges that the petitioners attempted to extort Rs. 30 lakhs from the complainant, serving as contractor and his brother, who is in Marble and Granite Business, by threatening to implicate them in a fabricated NDPS case, if they refuse to pay. Whereas, the petitioners assert that they were acting on a tip-off about one Sumer Singh who was to supply 8-10 kg of opium near Ashok Udyan, Jodhpur. They had obtained all necessary administrative orders qua the same. They assert that the shoe is on the other foot, it is the state police officials who were trying to bail out the real culprit and are equally involved with the drug mafia. Qua the same incident, NCB officials have also registered a cross case against the one of the State Police Officials viz Puna Ram (head constable), apart from other accused.

3. In the aforesaid backdrop, the matter was earlier heard by a Coordinate Bench of this Court presided over by my learned Brother Farjand Ali, J., who passed an order dated 10.05.2024, being apposite, the same is reproduced hereinbelow:-



- “1. After hearing the counsel for the parties and noticing fishy circumstances and particularly the fact that the State Police and the officer of the Central Agency are in head to head confrontation; it is felt appropriate to direct the Director General of Police, (Jaipur) (Rajasthan) to constitute a team headed by Senior IPS officer so that further investigation in the matter can be conducted and so that chaff can be separated from the grains and truth can be elicited.*
- 2. A copy of this order be directly sent to the Director General of Police (Jaipur), Rajasthan. The present Investigating Officer is directed to stop the investigation in the matter related to FIR No. 212/2022 lodged at the Police Station Chopasani Housing Board, Jodhpur at once and send the file to the Police Head Quarter, Jaipur for further proceeding.*
- 3. List the matter on 12.07.2024 to see the progress of investigation.”*

4. The matter subsequently came up for hearing before this Bench and the following order dated 12.07.2024 was passed by me:-

“On a query being put by this Court qua the implementation of order dated 10.05.2024, passed by Coordinate Bench of this Court on the previous date of hearing, no satisfactory response has come forth.

It is neither clear whether what is the stage of the investigation nor is it coming forth as to whether a team has been constituted by the Director General of Police apropos direction given by the Coordinate Bench of this Court, then seized of the matter.

In the premise, Director General of Police is directed to join the proceedings through Video Conferencing on the next date of hearing.

In order to have better clarity in the entire matter, it is also deemed appropriate that Zonal Director, Narcotic Control Bureau, Jodhpur Zonal Unit, Jodhpur is impleaded as respondent No.3 in the petition herein.

It is so ordered.

Registry to take steps to amend the memo of parties.

Let notice be also issued to the newly added respondent No.3, who is also directed to join the proceedings through Video Conferencing on the next date of hearing.

Post it on 26.07.2025.”

5. On resumed hearing today, I have heard learned Senior Counsel Mr. Anand Purohit, assisted by learned counsel Mr. Mayank Roy for the petitioners/accused, as well as learned Special Public Prosecutor. I have also had the advantage of interacting with Mr. Utkal Ranjan Sahu, Director General of Police, State of Rajasthan and Mr. Ghansyam Soni, Zonal Director, Narcotics



Control Bureau (NCB), Jodhpur, who have joined today's hearing through video conference.

6. Factual narrative in the case herein is rather glaring. It appears that two Investigative Agencies are at loggerheads, embroiled in a direct conflict, each striving to attribute criminal culpability concerning the contraband in question i.e. 5 kg of opium.

7. After deliberating the entire matter and on perusal of case file, a consensus has been arrived at by all present, that, to ensure a neutral, independent, and fair investigation, it is considered rather expedient to transfer the entire matter to a third neutral agency i.e. the Central Bureau of Investigation (CBI), Jodhpur. Even I am also of the view that, instead of constituting an SIT with either or both of the officials of the current investigative agencies, i.e., the Narcotics Control Bureau (NCB) or the State Police, since they are accusing each other in cross FIRs, investigation be handed over to the CBI.

8. In the premise, it is directed that both the complaints/FIRs i.e. the one registered by NCB and the other registered by State Police, shall be initially registered as one preliminary inquiry by the CBI, Jodhpur. They shall proceed further to enquire into the entire matter. Based on the outcome thereof, prepare a preliminary report in writing, qua the culpability of crime, if any. And thereafter, if so warranted, preliminary inquiry shall be converted into a registered case and a charge-sheet be filed in



accordance with law before the competent Court and law shall take its own course.

9. Needless to say, both NCB and State Police officials, who are accused in the cross cases shall have their right to seek remedy in accordance with law, in case, any of them is aggrieved with the outcome of the CBI preliminary report.

10. Given the peculiarity involved herein, as already noted in the preceding part, it is also directed that the Superintendent of Police, CBI, Jodhpur shall personally investigate the matter instead of delegating it to any other official junior to him.

11. Disposed of accordingly.

(ARUN MONGA), J

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Whether fit for reporting- Yes / No