



IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 16th OF DECEMBER, 2025MISC. CRIMINAL CASE No. 49997 of 2025*SAJJAN SINGH**Versus**UNION OF INDIA*

Appearance:*Shri Abhay Saraswat - Advocate for the applicant.**Shri Manoj Kumar Soni, learned counsel for the respondent [R-1].**Shri V.S.Kumar- SP, CBN, District Neemuch present in person.**Shri Satyendra Yadav- Inspector/Investigating Officer present in person.*

ORDER

- 1] They are heard and perused the case diary.
- 2] This is the applicant's first bail application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 439 of Cr.P.C. as he is implicated in connection with **Crime No.1/2025 registered at Police Station CBN, District Jaora (MP)** for offence punishable under Sections 8, 28 and 30 of the NDPS Act. The applicant is in custody since 13/1/2025.
- 3] Allegation against the applicant is of his involvement in the aforesaid case wherein various chemicals and utensils from a shed in the field in which the applicant was working have been seized, which, according to the prosecution, are used to manufacture the MDMA drug.
- 4] Counsel for the applicant has submitted that only Psychotropic substances have been recovered from the applicant and no Narcotics drug has been seized, and, in such circumstances, his further custody would not be necessary. It is also submitted that even assuming the case of the prosecution to be correct and even if the disclosure memo of the applicant is also read as it is, it is apparent that he was only employed in the field as a caretaker and to water the field, and was not at all aware that any drug was being manufactured



in the field. It is further submitted that the applicant has been lodged in jail since 13.1.2025, and further custody of the applicant would not be necessary as there are no criminal antecedents.

5] Counsel for the applicant has further submitted that the land and the house was owned by co-accused Mehraban Singh and the applicant cannot be held responsible for something about which he had no knowledge.

6] Counsel for the respondent/CBN, on the other hand, has vehemently opposed the prayer, and has submitted that, looking to the chemical and utensils seized from the shed which was in the control of the applicant, and at the instance of the applicant certain articles and utensils have also been recovered which were buried in the fields, thus, no case for grant of bail is made out.

7] During the course of arguments, this Court had also enquired from the respondent/CBN if any CDR has been obtained by the CBN, of the applicant and co-accused persons, to which it is informed that CBN is not authorised to obtain the CDR as the CBN is not included as a Law Enforcement Agency under the Information Technology Act, 2000 and, the request of the CBN has already been refused by the Central Government by its office memorandum dated 24.4.2025.

8] Counsel for the respondent/CBN has submitted that subsequent representation dated 3.7.2025 has already been sent by the Central Bureau of Narcotics, but till date no action has been taken by the Central Government. A copy of the representations dated 7.8.2024, 27.1.2025 and 3.7.2025 is also filed on record.

9] Heard. Having considered the rival submissions and on perusal of the case diary as also the recovery made by the respondent/CBN on the disclosure memo of the applicant, **this Court is not inclined to allow the bail application at this stage. Although, the applicant shall be at liberty to renew the prayer after the seizure witnesses are examined in the trial Court.**

10] However, this Court is also compelled to make its observations regarding the office memo dated 24.4.2025, issued by the Under Secretary to the Government of India Ministry of the Home Affairs , which reads as under:-



" No.II/21021/37/2016-IS-II/M
 Government of India
 Ministry of Home Affairs
 CIS Division/MU Desk

Hall No.4, North Block, New Delhi
 Dated 24th April,
 2025

OFFICE MEMORANDUM

Subject: Inclusion of Central Bureau of Narcotics as Law Enforcement Agency under Information Technology Act, 2000.

The under signed is directed to refer to Department of Revenue's OM to No.N22012/5/2024-NC-II-DOR dated 27.1.2025 vide which Central Bureau of Narcotics letter No.XV(11)3/Prev/Telecopm/2024-828 dated 7.8.204 was forwarded to this office and to convey, that the subject matter was examined in this Ministry and it is informed that Central Bureau of Narcotics ' request for inclusion as a Law Enforcement Agency under the Information Technology Act, 2000 is not acceded to.

2. This issues with the approval of the Competent Authority.

(Nutan Kumari)
 Under Secretary to the Govt. of India
 Tele:23093584

Secretary
 Department of Revenue
 Ministry of Finance."

This Court is appalled to see the approach of the Home Ministry towards the CBN which falls under the Ministry of Finance of the Government of India, which has held that CBN is not required to be included as a Law Enforcement Agency.

11] In the considered opinion of this court, the discretion used by the Under Secretary to the Govt. of India, Ministry of Home is not only unwise but also demoralising to the Officers of the CBN, who have been given the task of controlling the illicit opium production and trade, which, by no means an easy task, and by not allowing the CBN to have the access to CDR of the persons involved in the offence, the Government has literally made the CBN an



ineffective agency. This court is also of the considered opinion that if the Government is skeptical about the competence of its own officers, it should also reconsider the necessity to continue with the Central Bureau of Narcotics as there is no point in creating an agency without necessary rights, at the expense of taxpayers' money.

12] In such circumstances, it is expected that the aforesaid issue shall be settled by the Ministry of Home at the earliest by deciding the CBN's representation dated 3.7.2025 in accordance with law..

13] Accordingly, **the MCRC stands dismissed with the aforesaid liberty and observations.**

(SUBODH ABHYANKAR)
JUDGE

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