

GAHC030006922023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./15/2023

Smt. Suma Begum
W/o Basit Uddin
R/o Karimganj, Assam.

VERSUS

The State of Mizoram
Aizawl

Advocate for the Petitioner : A H Borbhuiya

Advocate for the Respondent : P.P./Addl.PP, Mizoram

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG
ORDER

Date : 15-12-2023

Heard Mr. A.H. Borbhuiya, learned counsel for the petitioner along with Ms. Mary L. Khiangte, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 482 Cr.P.C. for releasing the vehicle B/R No. AS-24-AC-2399 seized in connection with Sairang P.S. Case No. 4/2023 under Section 21(c)/25/29 of the ND&PS Act, 1985.

The learned counsel for the petitioner submits that the seized vehicle has been detained in police custody, since it is seized on 23.01.2023 till date and submits that it is apparent from the charge sheet itself that nothing was seized from the vehicle and that the owner of the vehicle/petitioner had purchased the vehicle on loan having to repay the loan on monthly basis. He submits that due to the seizure of the vehicle, she was not able to repay the loan since the seizure of the vehicle. He submits that from the charge sheet itself, it has been stated that the seized articles was seized not from the vehicle but recovered from the roadside at a dry stream just before reaching ISPAT junction at Lengte road. He submits that there is no involvement of the said vehicle in the instant case. However, the learned Trial Court without recording any reason and without any application of mind had rejected the application for release of the vehicle vide Order dated 04.09.2023 in CrI.Misc. Appln. No. 216/2023. The learned counsel also submits that the instant applicant is the wife of the owner of the vehicle Mr. Basit Uddin, who is made the accused in the instant case and is at present in judicial custody. He submits that if the said vehicle is not released, it is exposed to tear and wear and could also affect the functioning of the engine of the said vehicle.

Ms. Mary L. Khiangte, learned Additional Public Prosecutor in all fairness admits that on perusal of the charge sheet, since it has been mentioned that the seized articles was not seized from the vehicle, she does not raised any serious objection. She, however, prays that if the vehicle is released on Zimmanama and conditions to be imposed that the vehicle will be available if required during investigation or during trial.

Having heard the submissions made by the learned counsels for both the parties, this Court on perusal of the copy of the charge sheet finds that no contraband substance was seized from the vehicle. Accordingly, as prayed for, the vehicle B/R No. AS-24-AC-2399 is allowed to be released on Zimmanama to the applicant, being the wife of the owner of the vehicle. The said vehicle may be released under a bond and conditions which shall be to the satisfaction of the Trial Court.

Accordingly, Crl.Pet. No. 15/2023 is allowed and stands disposed of.

JUDGE

Comparing Assistant