

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL
Crl.Rev.P. No. 14 of 2023**

Md. Sahir Khan

Petitioner

Vs.

Officer In Charge

Respondent

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL**

16.02.2024

M. M. Ibotombi, learned counsel, appears on behalf of the petitioner;
and Mr. Kh. Athouba, PP, appears on behalf of the respondent.

The present criminal revision petition has been instituted on behalf of
Md. Sahir Khan, assailing the order dated 24.08.2024 passed by the learned Special
Judge (ND&PS), Thoubal in Cril.Misc.(Z) Case No. 49 of 2023 in connection with
FIR No. 67(3) 2022 TBL P.S. u/s 21(c)/29/60(3) ND&PS Act.

The limited relief prayed for in the present petition is as follows:-

*"(a) Direct the respondent to release the vehicle in question, DI ACE
MEGAXL Regd. No. AS21C6463 to the petitioner during the pendency of
trial in FIR No. 67(3) 2022 Thoubal P.S. U/s 21(C)/29/60(3) of ND&PS
Act. Thoubal by quashing/setting aside the impugned order dated
24.08.2023 (Annexure A/2) passed by the Learned Special Judge
(ND&PS), Thoubal in connection with Cril (Zima) Case No. 49 of 2023."*

Pursuant to the notice issued by this Court, Mr. Th. Phulachandra Singh,
the Officer-in-Charge, Thoubal Police Station, Manipur, has filed an affidavit inter-
alia stating as follows:-

*"The ownership of the seized vehicle is in the name of Md. Sahir
Khan S/o Md. Abdul Rashid (accused) of Khurai Khomidok as per the smart
card of RC produced by the accused/petitioner and the same is seized on
17.11.2023 in the case. On examination, the accused/petitioner stated that*

the original smart card of RC book had been misplaced since long and it was re-issued by the concerned DTO. The seized 50 soap cases of Heroin powder were transported by using the undernoted vehicle by the accused persons and the charge sheet had already been submitted against the accused persons to stand trial vide C.S. No. 02/TBL-PS/2022 dated 29.08.2022 and the seized vehicle will be the exhibit to be produced during the trial of the case before the Ld. Special Judge, ND&PS, Thoubal. Ld. Special Judge, ND&PS, Thoubal had rejected zima petition filed by the accused petitioner earlier. If the vehicle is released on zima, it will be a cause of delay in speedy trial of the case."

It is observed that the petitioner has also filed an affidavit of undertaking dated 07.02.2024 deposing therein as follows:-

"2. That in my Criminal Revision petition I prayed for interim custody of the seized vehicle DI ACE and that I undertake that I shall produce the said vehicle before the Court as and when I am called upon to do so. Further I undertake that I shall not alter or change the structural condition of the said vehicle during the interim custody period and to ensure this, I shall take 4(four) photographs of the cabinet size of the vehicle from different angles thereof and shall deposit 4(four) photographs with the Court to be kept on record and another 4(four) photographs with the O.C. Thoubal Police Station of the case before delivery of the vehicle to him and that I shall not alienate or transfer to any person, body or association by sale, mortgage, lease, gift or otherwise during the interim custody period. In case of making default, therein by I hereby bind myself to forfeit the value of the vehicle.

"OATH"

I swear that this declaration is true, that it conceals nothing, and that no part of it is false, So help me God.

I signed on this 7th day of February, 2023 at Imphal."

In view of the foregoing, the present criminal revision petition is allowed directing the State to release the subject vehicle bearing Registration No. DI ACE MEGAXL Regd. No. AS21C6463 to the petitioner on complying with the requirements of

law during the pendency of trial in FIR No. 67(3) 2022 Thoubal P.S. U/s 21(C)/29/60(3) of ND&PS Act. Thoubal; thereby modifying/setting aside the impugned order dated 24.08.2023 passed by the Ld. Special Judge (ND&PS), Thoubal in Cril.Misc.(Z) Case No. 49 of 2023.

The undertaking furnished on behalf of Md. Sahir Khan, is hereby accepted as contained in the said affidavit dated 07.02.2023 directing him to comply therewith scrupulously without demour.

No further directions are prayed for.

CrI. Rev. Petition is allowed and disposed.

Copy of this order be sent to the Officer-in-Charge, Thoubal Police Station; and the learned Court concerned for information and compliance.

CHIEF JUSTICE

Indrajeet