

GAHC010052102024



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

Case No. : Crl.Pet./275/2024

JHANTU SAHA
S/O SAMIR SAHA, R/O 707 B LOKHRA ROAD, PAHARTOLI, NEAR DAS
PETROL PUMP, BINOVANAGAR, DIST- KAMRUP (M), ASSAM, PIN CODE-
781028

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 13-03-2024

Heard Ms. T. Som, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. PP for the State respondent.

This is an application under Section 482 of Cr.PC, 1973 seeking quashing

of the impugned Order dated 16.02.2024 passed by the learned Special Judge, NDPS, Karbi Anglong, Diphu in Dillai P.S. Case No. 07/2024 registered under Section 21 (b) of the NDPS Act, 1985 alongwith the application for zimma of the subject vehicle was rejected.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears that by Order dated 16.02.2024, the Court of Special Judge, NDPS, Karbi Anglong rejected the prayer for zimma of the subject vehicle to the petitioner merely on the ground that the confiscation proceedings of the subject vehicle is pending. Thereafter, on 22.02.2024, the Court of Special Judge, Karbi Anglong rejected the prayer of the I.O for confiscating the subject vehicle. Thus, it is seen that the confiscation proceedings have already been disposed of.

In that view, this Court is of the considered view that this criminal petition can be disposed of with a direction to the petitioner to approach the Court of Special Judge, NDPS, Karbi Anglong, Diphu with a fresh application and upon such application being filed, the Court of Special Judge, NDPS, Karbi Anglong, Diphu shall dispose of the same in accordance with law.

Accordingly, this criminal petition stands disposed of.

JUDGE

Comparing Assistant