

GAHC010184432024



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

Case No. : Crl.Rev.P./348/2024

SANJIB DUTTA
S/O LATE SAMBHUNATH DUTTA,
R/O VILL- NEAR BLOCK OFFICE, RAMPUR, AMTALA, HOJAI, POLICE
STATION- HOJAI, DIST. NAGAON, ASSAM, PIN-782435

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR T KALITA, MISS C S MARAK, J DASGUPTA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13-12-2024

Heard Mr. T. Kalita, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State of Assam.

2. This is application under Section 438 read with Section 442 of the BNSS, 2023 challenging the Order dated 06.07.2024 passed by the learned Sessions

Judge, Karbi Anglong in Borpathar Police Station Case no. 19/2024.

3. One Wagon R bearing registration no. AS-31/F-2466 was seized for carrying narcotic drugs. Police registered the case as Borpathar Police Station Case no. 19/2024. The petitioner being the registered owner, filed an application before the Court below seeking custody of the said vehicle. The Court held that being the registered owner, the petitioner will be required for the purpose of investigation and for that matter, the prayer for custody was rejected.

4. I have considered the submissions made by the learned counsel for both sides.

5. This Court is of the opinion that under the given circumstances of the case, the prayer of the petitioner deserves to be allowed. By keeping the vehicle in custody of police will not serve any purpose in the investigation. Therefore, the Officer In-Charge of Borpathar Police Station shall give custody of the vehicle bearing registration no. AS-31/F-2466 which was seized in respect of Borpathar Police Station Case no. 19/2024 to its registered owner on taking a bond of Rs. 50,000/-. The officer In-Charge, shall verify the documents to be supplied by the registered owner.

With the aforesaid direction, the criminal revision petition is disposed of.

JUDGE

Comparing Assistant