

GAHC010266812023



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

Case No. : Crl.Pet./1243/2023

NARAYAN PRASAD SHARMA
S/O SITA RAM SHARMA R/O NEAR SBI GOLAGHAT ROAD P.S. DIMAPUR
DIST DIMAPUR NAGALAND P ADD 04 NECHHWA P. LAXMANGARH DIST
SIKAR RAJASHAT

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MOTIUR RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

18.01.2024

Heard Mr M Rahman, learned counsel for the petitioner, Narayan Prasad Sharma.

2. The petitioner has filed this application under Section 482 CrPC, seeking quashing of the order dated 02.11.2023, passed by the learned Special Judge, NDPS, Karbi Anglong, in connection with GR Case no. 306/2023, arising out of Khatkhathi PS Case No. 105/2023, under Section 18 (b)/29 of the NDPS Act.

3. It is submitted that vide the impugned order, the learned Special Judge (NDPS) has rejected the prayer for zimma of the vehicle bearing Registration No. NL-07AA-3057, a Tata LPT truck, seized in connection with this case.
4. Heard Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam.
5. A report was called for from the IO if the vehicle bearing Registration No. NL-07AA-3057, was required in connection with this case.
6. The Investigating Officer has submitted a report that the vehicle is not required for further investigation of this case.
7. It is submitted on behalf of the petitioner that the order dated 02.11.2023 was passed without hearing the petitioner.
8. It is submitted that the petitioner is paying EMI and the vehicle is a commercial vehicle. The petitioner's livelihood depends on the vehicle.
9. I have considered the submissions at the Bar with circumspection.
10. As the Investigating Officer has no objection against the vehicle being handed over to its registered owner, the vehicle can be handed over to the registered owner. The Investigating Officer has also submitted no objection as the vehicle is not required anymore for progress of investigation.
11. Considering all aspects, it is hereby held that the vehicle can be given in zimma of

the registered owner.

12. I have also considered the submission that the vehicle is lying in the open and is getting damaged.

13. The petitioner is hereby directed to submit the documents relating to the ownership of the vehicle bearing Registration No. NL-07AA-3057, before the Investigating Officer and the vehicle can be given in zimma to its registered owner, who shall execute a bond of Rs. 45 lacs, under the condition to produce the vehicle as and when required for investigation or for trial. The petitioner may submit the relevant documents before the Investigating Officer and after verification, the vehicle may be handed over to the registered owner of the vehicle. It is also directed not to alienate the vehicle till completion of trial.

14. Criminal Petition stands disposed of.

JUDGE

Comparing Assistant