

GAHC010267152023



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

Case No. : Crl.Pet./1310/2023

HAREN DEKA
S/O LATE DINA NATH DEKA
R/O HOUSE NO. 26, BIKRAMPUR SANKAR NAGAR,
KRISHNA NAGAR, JAPORIGOG,
PIN-781005
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:MABARAK ALI AHMED (SI)
INVESTIGATING OFFICER
BHARALUMUKH P.S.

GUWAHATI WEST DIVISION
ASSA

Advocate for the Petitioner : MR. N ANAND

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 01-02-2024

Heard Mr. N Anand, learned counsel for the petitioner *Haren Deka*.

2. The petitioner has filed this application under Section 482 of the Code of Criminal Procedure seeking quashing of the impugned order dated 06.11.2023 passed in Misc. Case No. 176/2023 arising out of Bharalumukh Police Station Case No. 318/2023 registered under Sections 21(b) of the NDPS Act.

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondents No. 1 and 2.

4. It is submitted that the petitioner is the registered owner of the vehicle bearing registration No. As-01-HC-3873 of Mahindra Maxximo Mini Van make. The vehicle was seized in connection with this case as the driver was allegedly transporting contraband suspected to be heroin weighing 97.80 grams. It is submitted that the driver was appointed by the petitioner only three days prior to the incident and the petitioner was not aware that the driver was capable to commit such offence.

5. The learned Additional Public Prosecutor has submitted that the Investigating Officer has forwarded a report that the vehicle was not required for further investigation.

6. Considering the submissions at the bar, it is directed that the vehicle is to be given in zimma to the registered owner of the vehicle, after proper verification of the documents to be submitted by the registered owner of the vehicle, on his execution a bond of Rs.7,00,000/- (Rupees Seven Lacs) under the conditions that:

(i) The petitioner shall not alienate the vehicle till conclusion of trial.

(ii) The petitioner shall produce the vehicle as and when required during investigation or during trial.

In the above terms this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant