

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Petn. No.61 of 2025

Shri Prasenjit Chakraborty
S/O Shri Ashok Chakraborty,
Resident of Amtali, Baishnab Tila,
PO-Agartala ONGC SO-799014,
PS-Amtali, District-West Tripura.

----- Petitioner(s)

Versus

The State of Tripura

-----Respondent(s)

For Petitioner(s)	:	Mr. Haribal Debnath, Sr. Adv, Ms. Uma Chanda, Adv.
For Respondent(s)	:	Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

07/01/2026

This petition under Section 528 of BNSS, 2023 corresponding to Section 482 of Cr.P.C. is filed for releasing the seized auto rickshaw bearing registration No.TR-01-M-3624(Bajaj RE CNG 45 FI) on bail to the petitioner-owner Shri Prasenjit Chakraborty which was seized in connection with MGK PS case No.7 of 2025 under Section 22(c)/25/29 of NDPS Act, 1985.

Heard Learned Senior Counsel Mr. Haribal Debnath assisted by Learned Counsel Ms. Uma Chanda appearing on behalf of the petitioner and also heard Learned Addl. P.P. Mr. Rajib Saha appearing on behalf of the State-respondent.

Taking part in the hearing Learned Counsel for the petitioner drawn the attention of the Court that on the basis of the FIR laid by one SI Kasnarai Reang on 16.07.2025 this present case has been registered on the ground that from the alleged auto rickshaw some contraband items were seized and the driver was

intercepted by the police in course of investigation and accordingly the vehicle was seized along with the contraband items and the driver was arrayed as an accused along with another and later on they were produced before the Court under arrest. But the petitioner-owner had no knowledge about the contraband items and even before seizure of the vehicle according to Learned Senior Counsel no notice was served upon the petitioner being the owner of the alleged offending vehicle and as such, the petitioner being the owner of the vehicle prayed for releasing the vehicle to the concerned Learned Court but that was not considered and accordingly this petition was filed before this Court for releasing of the said offending auto rickshaw on bail to the petitioner-owner.

On the other hand, Learned Addl. P.P. strongly opposed the submission made by Learned Senior Counsel for the petitioner and submitted that for the sake of investigation the vehicle may be required.

This present petition was filed on 11.11.2025. The vehicle was seized by IO on 16.07.2025 and since then it was lying in the custody of the police at PS.

In course of hearing, a direction was given earlier to the prosecution to ensure about serving of notice upon the petitioner by the IO. Accordingly, today Learned Addl. P.P. has produced the Case Diary. From the Case Diary, it appears that notice was issued to the petitioner-owner on 16.12.2025 i.e. much later after seizure of the vehicle by the IO. However, it was further submitted by Learned Addl. P.P. that in earlier occasion also notice was served in the month of September but in this regard no

evidence could be adduced that the same was served upon the present petitioner being the owner of the alleged offending auto rickshaw. In this regard, I would like to refer herein Section 67 of NDPS Act which provides as under:

"67. Power to call for information, etc. Any officer referred to in Section 42 who is authorised in this behalf by the Central Government or a State Government may, during the course of any enquiry in connection with the contravention of any provision of this Act-

(a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act or any rule or order made thereunder,

(b) require any person to produce or deliver any document or thing useful or relevant to the enquiry:

(c) examine any person acquainted with the facts and circumstances of the case."

From the aforesaid provision of law, it appears that at the time of seizure or just immediately thereafter no such notice was issued upon the present petitioner regarding seizure of the offending auto rickshaw by the IO. Furthermore, till today the IO of this case could not collect any material showing implication of the present petitioner-owner with the alleged commission of offence or could adduce any material that the owner had knowledge about contraband items.

So, considering the facts and circumstances of the case and the materials on record and also the fact that prolong detention of the vehicle may cause damage, I am inclined to allow the prayer filed by the petitioner with the following terms and conditions:

1. That in the event of release of the vehicle by the O/C of the concerned PS the petitioner shall execute one Indemnity Bond of Rs.1,00,000/- to the satisfaction of O/C of the concerned PS with

condition that till disposal of the trial of the case the petitioner-owner shall not change the nature and feature of the vehicle nor shall transfer the vehicle.

2. That the petitioner shall be under legal obligation to produce the vehicle before IO if required for the sake of investigation or before the concerned Court during trial if it is so required.

With this observation, the present petition stands disposed of.

A copy of this order be supplied to Learned Senior Counsel for the petitioner for information and compliance.

A copy of this order be communicated to IO through Learned Addl. P.P. along with Case Diary.

Also, a copy of this order be communicated to Learned Special Judge for information.

JUDGE