

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 30285 of 2014 (I)

PETITIONER(S):

**SAIFUDHEEN,
S/O. MANU, POOKKAKILLATH HOUSE, PERUMENU,
KEEZHERRY P.O., TRICHUR DISTRICT.**

BY ADV. SRI.P.K.ANIL

RESPONDENT(S):

- 1. ADDITIONAL DIRECTOR, DIRECTORATE OF REVENUE
INTELLIGENCE, XIV, PALARIVATTOM,
COCHIN, THE COMPETENT AUTHORITY UNDER THE NDPS ACT,
REP. BY ITS SPECIAL PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, OCW III, SUB UNIT,
THRISSUR.**
- 3. STATE OF KERALA, REP. BY CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**

*** ADDITIONAL R4 IMPLEADED**

- 4. THE COMPETENT AUTHORITY AND ADMINISTRATOR,
SAFEM (FOP) AND NDPS ACT, UTSAV, NO.64/1,
G.N.SHETTY ROAD, T.NAGAR, CHENNAI 17,
MINISTRY OF FINANCE, DEPARTMENT OF REVENUE,
GOVERNMENT OF INDIA.**

*** ADDL.R4 IS IMPLEADED AS PER ORDER DATED 24.02.2015 IN IA 2594/15.**

**R1 BY ADV. SRI.C.P.UDAYABHANU
R2 & R3 BY ADV. SRI.ASIF ALI, DIRECTOR GENERAL OF PROSECUTION
R4 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22-06-2015 ALONG WITH WP(C) 3995/2015, THE COURT ON
29-06-2015, DELIVERED THE FOLLOWING:**

msv/

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APPENDIX

PETITIONER(S)' EXHIBITS

P1 - TRUE COPY OF THE ORDER IN CRLM.C 3401/14 BEFORE THIS HON'BLE COURT.

**P2 - TRUE COPY OF THE REPRESENTATION SENT BY THE PETITIONER BEFORE THE
COMPETENT AUTHORITY DT. 08.11.14.**

**P3 - TRUE COPY OF THE STATEMENT FILED BY THE DEPUTY SUPERINTENDENT OF
POLICE DTD.16.6.2014.**

**P4 - TRUE COPY OF THE ORDER IN CRL.M.P.1734/14 OF SESSIONS JUDGE, THRISSUR
11.6.2014**

**P5 - TRUE COPY OF THE ORDER DTD.19.2.2015 CONFIRMING THE ORDER OF THE
2ND RESPONDENT F NO.OCA/MDS/3/2015-NDPS/226.**

RESPONDENT(S)' EXHIBITS:

**EXT.R4(a): TRUE COPY OF THE LETTER IN F.NO.OCAMDS/4/2014-NDPS DTD.20.6.2014
ISSUED FROM THE OFFICE OF THE COMPETENT AUTHORITY.**

**EXT.R4(b): TRUE COPY OF THE STATEMENT DTD.17.10.2014 & ITS TRUE ENGLISH
TRANSLATION.**

**EXT.R4(c): TRUE COPY OF ORDER NO.D5/8355/13 DTD.23.1.2013 ISSUED BY STATE
POLICE CHIEF, KERALA.**

**EXT.R4(d): TRUE COPY OF ORDER NO.7/1644/CR/2013 DTD.5.2.2013 ISSUED BY
ADDL. DIRECTOR GENERAL OF POLICE, (CRIMES).**

**EXT.R4(e): TRUE COPY OF ORDER NO.564/OCWIII/PKD DTD.8.2.2013 ISSUED BY
SUPDT. OF POLICE ORGANISED CRIME WING-III.**

//TRUE COPY//

P.S.TO JUDGE

Msv/

A. MUHAMED MUSTAQUE, J.
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Dated this the 28th day of November, 2014

JUDGMENT

Petitioner seeking a direction to the 1st respondent to release the articles seized from the petitioner on 19.12.2012. The petitioner submits that he has approached this court in an earlier occasion, in Crl.M.C 3401/2014. Ext.P1 is the judgment. This Court directed that legality of the seizure can be raised by the petitioner before the competent authority, and the competent authority has to consider the same before passing an order of forfeiture. According to the petitioner, 1st respondent is the competent authority under Chapter V (A) of NDPS Act. Petitioner submits that the 1st respondent so far has not taken any action, even though he has made request. The learned counsel appearing for the 1st respondent submits that, they have no objection in releasing the articles based on an execution of a 'Kaichit'

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and furnishing security.

2. In view of the above, there shall be a direction to the Principal Session's Court, Thrissur, to release the articles to the petitioner by furnishing security by way of depositing title deeds of immovable properties, and also executing simple bond with two sureties.

Needful shall be done within a period of one week from the date of receipt of a copy of this judgment.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

das