

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18597 of 2016

Arising Out of PS.Case No. -22 Year- 2015 Thana -BOCHAHA District- MUZAFFARPUR

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Ayash @ Aish Son of Afzal Husain resident of House No. 390, Bhadora
Dehar, Muradpur, P.S. + Distt. Muradabad, Uttar Pradesh

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate.

For the Opposite Party : Mr. Sanjay Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 03-10-2016 Heard both sides.

The petitioner filed this petition under Section 482 of the Code of Criminal Procedure against the order dated 09.09.2015 by which the petition of the petitioner for release of his truck bearing Registration No. HR55M-1312 was rejected.

The brief facts relevant for disposal of this case are that two trucks bearing Registration No. HR55M-1312 carrying 340 kilograms of Ganja and truck bearing Registration No. JH09C-6077 carrying 560 kilograms of Ganja were intercepted and seized for which Bochaha P.S. Case No. 22 of 2015 was registered under Sections 8/20(b)(ii)(c)/22/29 of the Narcotic Drugs and Psychotropic Substances Act. The petitioner Ayash @ Aish filed a petition that the truck along with original documents was seized

and he had handed over his truck to one Devendra Singh, son of Sukhvir Singh, Resident of Hanuman Nagar, District – Amroha, Uttar Pradesh for plying the truck, but the driver was illegally carrying Ganja that is why his truck was also seized. The petitioner has no manner of concern with Ganja.

It is submitted that petition for release of the truck of the petitioner was summarily dismissed, only because the driver of the truck was carrying 340 kilograms of Ganja. It is submitted that another owner of the truck bearing Registration No. JH09C-6077 moved this Court in Cr. Misc. No. 49552 of 2015 and this Court remitted back the matter of Chandeshwar Mahto the owner of the aforesaid truck to the court below to pass order in accordance with law.

Having considered the facts aforesaid, it appears that the court below summarily dismissed the petition for release of the truck of the petitioner and the order does not appear to have been passed in view of provisions of Sections 60 to 63 of the Narcotic Drugs and Psychotropic Substances Act and Section 451 of the Code of Criminal Procedure which deals with the release of articles seized during course of trial or for investigation.

Accordingly, the order impugned is set aside.

The matter is remitted back to the 4th Additional

Sessions Judge, Muzaffarpur to pass order afresh in accordance with law.



(Prabhat Kumar Jha, J.)