

***IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH***

CRA-S-251-SB-2014

Date of Decision:-22.01.2016

Labh Singh

...Appellant

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Ms. Ekta Thakur, Advocate for the appellant.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

The appellant, namely, Labh Singh has filed the present appeal against the judgment dated 15.10.2013 passed by Judge, Special Court, Pathankot, in a proceedings initiated under Section 60(3) of *Narcotic Drugs and Psychotropic Substances Act, 1985*, (for brevity 'the Act'), against registered owner of the truck bearing No.JK-08-A-6969, whereby the learned Judge, Special Court, Pathankot, has ordered confiscation of the truck in favour of the State.

Learned counsel for the appellant contends that the appellant, namely, Labh Singh is an old man about 88 years of age and is a registered owner of the truck in question. He has never involved in any such case. The case was registered against his son and driver for transportation of the contraband material. She further submits that confiscation of the truck in question will deprive the genuine owner of the truck to earn his livelihood.

The appellant has never misused the truck in any manner. She also submits that the appellant is ready to furnish an undertaking to the District Magistrate or concerned Superintendent of Police, that he will not misuse the truck in any manner and while releasing the truck in question on *superdari*, this Court may impose any reasonable condition which it may deem fit.

Learned counsel for the State, on instructions from ASI-Hem Raj, submits that the truck in question was found used for transporting the heavy quantity of contraband material and in case such vehicle is released, there is possibility of the same being misused once again.

I have heard learned counsel for the parties.

No doubt, the appellant has no right to claim for relasing of the truck, as a matter of right, however, taking into consideration that it may be a only source of his livelihood and the assurance that he will not put the truck to any misuse, present petition is disposed of with a direction that the appellant shall approach the learned Judge, Special Court for the release of the truck in question and shall submit an undertaking including a heavy surety to the effect that the said truck shall not be misused in any manner in future.

In case the appellant submits such like undertaking, the learned Judge, Special Court shall release the truck in question on imposing any reasonable condition which it may deem fit.

22.01.2016
Anjal

(*HARI PAL VERMA*)
JUDGE