

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1761 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- PURNIA

- =====
1. Dhirendra Awasthi, Son of Shri Pati Ram Awasthi, Resident of House No. 29, Keshav Colony Santoshi Vedh Wali Gali, Morena, P.S. Morena, M.P.
 2. M/S Shri Balaji Buildmate Pvt. Let. through it's proprietor Bijendra Singh, Son of Sri Abhay Ram, R/O Mamanpura, P.S. Hansi, District Hisar, Hariyana
- Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department
2. The Union of India though the Director of Revenue Intelligence, Regional, Unit, Patna
3. The Intelligence Officer, DRI Regional Unit, Patna
4. The Special Judge, NDPS Act, Purnea

.... Respondents

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Appearance :

For the Petitioners : Mr. Anil Kumar Roy, Advocate

For the Respondents : Mr. P.K. Verma, AAG3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-09-2017

Heard learned counsels for the parties.

The truck of the petitioner no. 1 bearing registration no. NL01K-9828 was seized in connection with DRI F. No. DRI/LZU/PRU/718(ii) Enq-09/2017 as it was carrying more than 2 Kg. of Ganja in a hidden condition under the building materials kept on the truck.

Prayer is for quashing the order dated 12.07.2017 passed by the learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Patna in Special Case No. 05 of 2017/CIS No. 03 of 2017 arising out of aforesaid case whereby prayer for release of the truck was refused.



There is no reason to detain the seized building materials which was not prohibited items nor any purpose would be served to detain the truck in police lockup till adjudication of the allegation in view of the judgment of Hon’ble Supreme Court in **Sunderbhai Ambalal Desai vs. State of Gujarat** reported in **(2002)10 SCC 283**.

Hence, let the seized truck bearing registration no. NL01K-9828 be released in favour of petitioner no. 1 and building materials in favour of petitioner no. 2 on execution of surety bond of Rs.30,00,000/- (rupees thirty lakhs) (not in the form of bank guarantee or cash) along with two sureties of the like amount with condition that the petitioner no. 1 shall not dispose of the same without permission of the Court and shall produce the vehicle as and when required by the Court.

With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	21.09.2017
Transmission Date	21.09.2017

