

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No. 2436 of 2017**

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

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Parveen Kumar @ Praveen Kr. Bhagat, Son of Prithivi Chand Bhagat, Resident of Poonam Place Flat No. 02/IND, Ghy, Kamrup, P.O. Panbazar, P.S. - Fancybazar, DST Assam - 781001

.... .... Petitioner

Versus

1. The Government of India through office of Senior Intelligence Officer, Delhi .
2. The Directorate of Revenue Intelligence, Regional Unit, Patna, VARDAAN, ARYA SAMAJ MANDIR Road, R.P.S. More, West Bailey Road, Danapur, Patna - 801503
3. The Intelligence Officer, Directorate of Revenue Intelligence, Patna VARDAAN, ARYA SAMAJ MANDIR Road, R.P.S. More, West Bailey Road, Danapur, Patna - 801503
4. The Directorate of Revenue Intelligence, Sub Regional Unit, Purnea, Maa B Plaza Complex, Kaptan Para Khuskibagh, Purnea - 854305
5. The Intelligence Officer, Directorate of Revenue Intelligence, Maa B Plaza Complex, Kaptan Para Khuskibagh, Purnea- 854305

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Samir Kumar, Advocate

For the UOI (DRI) : Mr. Ram Anurag Singh, C.G.C.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 13-12-2017**

Heard learned counsel for the parties.

2. This writ application has been filed for quashing the order dated 12.07.2017 passed in Special Case No. 07 of 2017/CIS No. 05 of 2017 by the learned Special Judge, NDPS, Purnea whereby the learned court below has refused to release 146 and 12 bags carrying scrap plastic and steel utensils materials on a truck.



3. The prayer was refused for the reason that from the same truck narcotics was recovered and the bags were used for hiding the narcotics, as such, were fit to be confiscated and auctioned.

4. Submission of the learned counsel for the petitioner is that it was mischief of the driver of the truck that on the way, he loaded some Ganja on the said truck which was, in fact, carrying huge quantity of scrap material. The petitioner is concerned with the scrape material only.

5. Considering the facts and circumstances, let the scrap material be released in favour of petitioner on execution of surety bond of Rs.1,00,000/- (rupees one lakh) (not in the form of bank guarantee or cash) along with two sureties of the like amount to the satisfaction of the learned court below/authority concerned where the case is pending.

6. With the aforesaid observation and direction, this writ application, accordingly, disposed of.

**(Birendra Kumar, J)**

Kundan/-

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| AFR/NAFR          | N.A.       |
| CAV DATE          | N.A.       |
| Uploading Date    | 16.12.2017 |
| Transmission Date | 16.12.2017 |

