

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2027 of 2017

=====

Ravi More, Son of Late Devi Prasad More, Resident of A.T. Road, Khuti Kaliya
Haibargaon, P.S. Nogaun, District- Magoun (Assam).

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Union of India through Directorate of Revenue Intelligence Regional Unit, Patna.
3. The Intelligence Officer, Directorate of Revenue Intelligence, Regional, Patna.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Ram Pravesh Kumar, Adv.
For the Union of India : Mr. Anjani Kumar Sharan (A.S.G.)
: Mr. Manoj Kumar Singh (C.G.C.)
For the State : Ms. Divya Verma, A.C. to A.A.G-3.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 08-11-2017

Heard learned counsel for the parties.

The petitioner is one of the Director of M/S
Prakash Jute Industries Private Ltd situated at Haibargaun
Nagaon in the State of Assam. The petitioner had sold Jute to
one M/S Ramesh Chandra Khandelwal and Company of
Shyangaun Bareilly (U.P.) vide Annexure-1. The said consignment
was being carried through transporter Shyam Road Links on
truck bearing Registration No. HR 55 L 6282 . The said truck
was seized by the Narcotic Authorities as Ganja was recovered
from the said truck in huge quantity. By the impugned order
dated 12.07.2017 passed in Special Case No. 08 of 2017, the



learned Special Judge, Purnea has refused to release the Jute in favour of the petitioner vide Annexure-4 for the reason that the Jute is also liable to be confiscated in view of the provisions of Section 60 of the Act for the reason that the same was used for hiding the recovered narcotic.

Learned counsel for the petitioner submits that the driver has confessed before the authorities that he had loaded the narcotic on the way without knowledge of the purchaser of Jute or the owner of the vehicle. Therefore, the consignment (Jute) of the petitioner should not be allowed to be retained in custody or the same be auctioned.

Learned counsel for the respondent opposed the prayer. However, could not advance any plausible reason for refusing the prayer of the petitioner in the facts and circumstances stated above especially the fact that there is no apparent material to substantiate that the Jute was purchased for the purpose and used with intent to hide narcotic drugs rather statement of the driver of the truck proves contrary. Hence, let the seized Jute be released in favour of the petitioner on execution of surety of Rs.4,00,000/- (Four Lacs) along with two surety of the like amount, not in the form of bank guarantee/cash.

With the aforesaid observation, this writ



application stands disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.11.2017
Transmission Date	11.11.2017

