

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.461 of 2017

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Anil Singh S/o Shiv Ram Singh, Resident of village - Katira, P.S. Tilak
Nagar, Ara, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate Cum Collector, Buxar
2. The Superintendent of Police, Buxar
3. The Officer Incharge, Rajpur Police Station, Rajpur, District - Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Respondent/s : Mr. Sri Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 19-01-2018 The petitioner who is the registered owner of a Tavera vehicle, bearing Registration No. JH10AA-0560 has sought its release and is aggrieved by the order dated 09.02.2017 passed by the learned Sessions Judge-cum-Special Judge, Buxar in N.D.P.S. Case No. 8 of 2016, arising out of Rajpur P.S. Case No. 133 of 2016 instituted under Section 411 of the Indian Penal Code and Sections 20(b)(ii)(c), 22 of the N.D.P.S Act, whereby such a prayer has been rejected.

The aforesaid vehicle was being occupied by the accused persons and from an inside chamber of the vehicle, 1½ Kilograms of Ganja was recovered. The accused persons of this case were arrested and the vehicle also was seized.

Learned counsel for the petitioner has submitted that



about four persons were occupying the vehicle about whom the petitioner did not have any idea. The vehicle belongs to him and he had given the same for plying it to his driver viz. Vishwa Pratap Singh. He had no idea that Ganja was being carried/conveyed with the aforesaid vehicle. It has further been submitted that the vehicle, after its seizure, has been lying in open at Rajpur Police Station, Buxar and is subject to the vagaries of weather.

Learned counsel for the petitioner has also drawn the attention of this Court to a report by the I.O. of the concerned case stating that the police would have no objection, if the vehicle in question is released in favour of the owner. The aforesaid report is annexed as Annexure-2 to the petition.

Considering the aforesaid facts as well as lack of knowledge on the part of the petitioner about his vehicle being used for carrying narcotic substance, this Court is inclined to release the vehicle in favour of the petitioner. While saying so this Court also take note of the fact that no useful purpose would be served in keeping the vehicle without any use in the open in the premises of a police station.

It has been submitted that the confiscation proceeding has not yet begun.



Considering the aforesaid facts, it is directed that the vehicle in question be released in favour of the petitioner subject to the petitioner furnishing all the documents to satisfy the court below about the ownership of the said vehicle and on his furnishing bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount to the satisfaction of the learned Sessions Judge, Buxar in connection with N.D.P.S. Case No. 8 of 2016, arising out of Rajpur P.S. Case No. 133 of 2016 that he shall not dispose it off under any circumstance, before the conclusion of the trial and shall produce the same whenever required. Only on being satisfied about the correctness of the assertions by the petitioner regarding the ownership and his intention of not selling the vehicle, would the vehicle be released in favour of the petitioner.

The application stands allowed.

(Ashutosh Kumar, J)

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