

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1746 of 2018

Arising Out of PS. Case No.-164 Year-2016 Thana- MUFFASIL District- Aurangabad

Om Prakash Giri, S/o Hardev Giri, Resident of Village- Shankarpur, P.S.-
Haspura, Distt- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary Home Affairs Govt. of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The District Magistrate, District- Aurangabad.
4. The Superintendent of Police, District- Aurangabad.
5. The Station House Officer, P.S. Muffasil, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Giri
For the Respondent/s	:	Mr. Iqbal Asif Niazi(Gp5)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-08-2018 Heard learned counsel for the petitioner and the State.

The petitioner who is the owner of the Pick-up van bearing Registration No. BR04M/0561 seeks its release, which has been seized in connection with Aurangabad (Muffasil) P.S. Case No. 164 of 2016 dated 02.10.2016 which has been instituted for offences under Sections 8/20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

It appears that 898 kilogram of Ganja was found loaded over the aforesaid vehicle and the son of the petitioner also was arrested with the aforesaid narcotics.



The impugned order whereby the prayer of the petitioner for release of the vehicle has been refused reflects that a proposal has been sent to the concerned authority for confiscation of the aforesaid vehicle in terms of Section 60 of the N.D.P.S. Act, 1985.

There is nothing in this petition which can be said to prove or demonstrate that the petitioner had taken all precautions that his vehicle be not used for such a purpose. Since the son of the petitioner also was found riding the same vehicle, he cannot take the plea that he did not have any idea that the concerned vehicle was used for such unauthorised purpose.

There is no merit in this petition and hence the same is dismissed.

(Ashutosh Kumar, J)

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