

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56107 of 2018

In
Criminal Writ Jurisdiction Case No.1824 of 2018

Arising Out of PS. Case No.-263 Year-2016 Thana- FATUA District- Patna

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Ranjan Kumar, Son of Late Ram Bahadur Yadav, resident of Mohalla- Station Road, Surya Mills Gali, Police Station- Fatuha, District- Patna, Permanent resident of Village+ Police Station- Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna
2. The District Magistrate cum Collector, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police City, Patna. null null
5. The Deputy Superintendent of Police, Fatuha, Patna.
6. The S.H.O. Cum Officer-in- Charge, Fatuha Police Station, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha
For the Opposite Party/s : Mr. M. Nasrul Huda Khan

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-09-2018 This application has been filed seeking an order setting aside the order dated 04.04.2018 passed by learned Additional Sessions Judge III cum Special Judge C.B.I. II, Patna passed in connection with the application filed by the petitioner seeking release of the vehicle.

It appears that the vehicle bearing registration no. BR01-CR8111 has been seized by the police in connection with Special Case No. 40/2016 arising out of Fatuha P.S. Case No. 263 of 2016 on 12.07.2016 under Sections 20(B), 22 of the N.D.P.S. Act, 1985. The allegation is that two bundles of *Ganja*



each containing 2 kg. have been recovered from the possession of the petitioner Ranjan Kumar who was driving the motorcycle at the time of seizure.

Learned counsel for the petitioner has drawn the attention of this Court towards Annexure-5 which is police report dated 13.12.2017 and submits that the police report indicates no objection towards the release of the vehicle and the fact is that no confiscation proceeding has yet been initiated against the vehicle. It is submitted that the vehicle is lying in police station campus under open sky and over more than two years by now the petitioner has a reasonable belief that many parts of the vehicle will be missing and if this condition is allowed to continue for some more time, the entire vehicle will be decayed and damaged which will be of no use. In such case even if the confiscation proceeding is initiated, the State will not be compensated.

Learned counsel for the State is present.

Considering the facts and circumstances of the case wherein no confiscation proceeding has yet been initiated with regard to the vehicle in question and the vehicle is lying in seized condition for more than two years by now and it is likely to be damaged if allowed to remain in the same condition for



more time, this Court directs release of the vehicle in question subject to the conditions that the petitioner shall furnish Bank Guarantee to the extent of the value of the vehicle as indicated in the insurance document along with the document of ownership and registration of the vehicle in his favour with one surety of the like amount each. The petitioner shall undertake that he will not deal with the vehicle creating any third party right or interest during the pendency of the case and shall produce the vehicle as and when required in the present case before the authority concern.

Since no confiscation proceeding has been initiated as yet, the court below on receipt of the surety and security as stated above shall pass the order of release within a week.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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