

Govind

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Rajesh Nain, Advocate for the petitioner

Mr. Satish Saini, AAG Haryana

Sudhir Mittal, J. (Oral)

This revision petition has been filed against the order dated 05.05.2018, passed by Additional Sessions Judge, Hisar, whereby the application filed by the petitioner - Govind son of Mahender, in case FIR No. 254 dated 15.09.2017, under Sections 15 of the NDPS Act, 1985 (for short 'the Act'), registered at Police Station Adampur, for release of Truck bearing registration No. **HR-61A-3225**, on *Sapurdari*, has been dismissed.

2. The petitioner is the registered owner of the above said vehicle. Recovery of 406 Kg Doda Post was allegedly effected from the truck in question and the same was taken into custody by the Police. Trial against the petitioner is stated to be pending in the Court of Additional Sessions Judge, Hisar

3. Learned counsel for the petitioner relies upon the order dated 28.08.2018 passed by this Court in CRR-1373-2018 titled as ***Dalwinder Singh @ Bitu vs. State of Punjab.***

4. Learned State counsel submits that it is quite likely that in case the vehicle is released on *sapurdari*, the same may be used for transportation of narcotics.

5. In ***Dalwinder Singh @ Bitu's case (supra)***, after following Division

Bench judgment of this Court in case of ***Gurbind Singh @ Shinder vs. State of***

Punjab, 2016(4) RCR(Criminal) 492, this Court had ordered the release of vehicle on sapurdari, in a similar case under the Act.

6. Thus, the instant petition is allowed; impugned order dated 05.05.2018 passed by Additional Sessions Judge, Hisar is set aside and the vehicle i.e. Truck bearing No. HR-61A-3225, is directed to be released on *Sapurdari* in favour of its registered owner, on fulfilling the necessary formalities, to the satisfaction of the trial Court/Additional Sessions Judge concerned at Hisar. The petitioner shall be bound to produce the said Truck as and when required by the trial Court.

November 14, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No