

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57481 of 2019

In
CRIMINAL REVISION No.224 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. M/S B.L.R, LOGISTIKS (I) THROUGH ITS BRANCH MANAGER RUPAK BISWAS Son of Swapan Kumar Biswas Resident of Danda Panitola, P.O. Nabadwip, P.S.- Nabadwip, District- Nadia, West Bengal.
 2. Alpharub Trading and Manufacture (p) Ltd. Kerala through its Manager trading, Anoop Mohandas Son of B.Mohandas Resident of 49/793B Siva Kripa, NJRA 19, Aishwarya Lane, P.S. Elmakara, District- Ervakulam, Kerala.

... .. Petitioner/s

Versus

THE UNION OF INDIA through Narcotics Control Bureau, Karpoori Thakur Sadan, C.G.O. Complex, D and E Block, Ashiyana Digha Road, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sajid Salim Khan, Adv
For the Opposite Party/s : Mr. Manoj Kumar Singh, C.G.C.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 25-09-2019 Heard learned counsel for the parties.

This petition has been filed on behalf of petitioners for modification of part of the order dated 12.03.2019, passed in Criminal Revision No. 224 of 2019 by which this court had directed to release rubber sheets in favour of petitioners on furnishing bank guarantee of Rs. 22,57,500/-.

766 Kg of Ganja kept in 49 packets were seized by Narcotic Control Bureau from a Truck bearing registration no. JK 02AV 617, upon which rubber sheets of petitioners was kept for transportation from Agartala to Jalandhar, which was



dispatched by the transporter on proper tax invoice and e-way bills from supplier based in Agartala to Jalandhar giving rise to Special Case No. 4 of 2019 pending in the court of Special Judge, Patna. Driver and Cleaner of said Truck were arrested and after investigation police submitted chargesheet against them upon which Special Court took cognizance against said two accused.

Petitioners are neither made accused nor any involvement of them were found by the investigating agency, however, the rubber sheets of petitioners which was used to conceal the contraband articles became liable for confiscation under Section 60 and 61 of the NDPS Act and accordingly, were seized by the investigating agency which was released by order dated 12.03.2019 passed by this Court in favour of petitioners passed in Criminal Revision No. 224 of 2019 on furnishing the bank guarantee for the market value of the seized rubber sheets and in compliance thereof the rubber sheets were released in favour of petitioners upon furnishing bank guarantee of Rs. 22,57,500/- issued by Yes Bank Ltd. Andheri, Mumbai vide bank guarantee no. 267BG 01190890002 in favour of Registrar, Sessions Court, Patna.

It has been submitted on behalf of petitioners that



although they have not been made accused in the case nor any chargesheet has been filed against them nor any investigation by NCB is pending against them and on furnishing bank guarantee of Rs. 22,57,500/- by petitioner no. 1 said money has been blocked and petitioner no. 1 has to pay heavy interest on said amount to the Bank and said money could not be used by him for business purpose which is causing loss and hardship to the petitioner although from the facts it is apparent that the petitioner had no role in transportation of said contraband articles and there is no likelihood of confiscation of rubber sheets which will be initiated after conclusion of trial. As such petitioners may be permitted to furnish other form of security in form of immovable or movable properties so that petitioners could carry out their business smoothly.

After hearing the parties and considering the materials available on record and also in view of the fact that petitioners have not been made accused nor chargesheet has been submitted against them nor any investigation is kept pending against them and confiscation proceeding for confiscation of rubber sheets which was used to conceal the contraband articles, as such same became liable for confiscation and confiscation proceeding will be initiated after conclusion of trial, this Court modifies the



order of furnishing bank guarantee of Rs. 22,57,500/- to the extent that petitioners shall furnish bank guarantee of Rs. 10 Lacs and for remaining amount they shall furnish security of BMW Car owned by petitioner no. 1 Make Model- BMW 525D IND CKDRL, Model Code-FW35 Chasis No. WBAFW35080C478696, Initial Registration-Engine No- 22867497 priced at Rs. 39,90,000 and SKODA YETI AMBIENTE 2.0 TDI bearing Engine No. CLC005834 Chasis No. TMHMDM5L3AA700509 priced at Rs. 15,51,688.

Petitioners will not sell the vehicles till conclusion of the confiscation proceeding without permission of the Special Court.

The order dated 12.03.2019 passed in Criminal Revision No. 224 of 2019, is modified to the extent as indicated above.

(S. Kumar, J)

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