

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.979 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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M/S SENTU DEY, a Proprietorship firm having its office at Bairagibazar, Jumerdhepa, Malaghar, Sepahijala Tripura, Through its authorised representative Mr. Rohtas Kumar Dakarwal, aged about 47 years (male), Senior Branch Manager, Associated Road Carriers Limited, Patna, Son of Peerdan Dakarwal, Resident of Village - Indasar, P.O.- Gothyan Bari, P.S.- Rajgarh, District- Churu, Rajasthan.

... .. Petitioner.

Versus

The Union of India through the Intelligence Officer, Narcotics Control Bureau, Patna Zonal Unit, D And W Wing, Fourth Floor, Karpoori Thakur Sadan, Rajeev Nagar, Patna.

... .. Respondent.

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Appearance :

For the Petitioner : Mr. Avinash Shekhar, Advocate.

For the Union of India: Mr. S.D.Sanjay, Additional Solicitor General.

Mr. Ram Anurag Singh, JC to Additional Solicitor General.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 16-06-2020

Heard Mr. Avinash Shekhar, learned counsel for the petitioner, and Mr. S.D. Sanjay, Additional Solicitor General, assisted by Mr. Ram Anurag Singh, JC to Additional Solicitor General, for the Union of India, through Video Conferencing.

2. This Criminal Revision is directed against the order dated 01.07.2019 passed in N.D.P.S. 07 of 2019/N.C.B. 10 of 2019, whereby and whereunder the Sessions Judge, Bhagalpur, rejected the application of the petitioner to release the natural rubber sheets weighing 20000 kilorgram recovered from the Truck bearing Registration No.PB-13AR-4066, in which 581 kilogram Ganja was



concealed.

3. The brief facts of the case is that the Officers of Intelligence, Narcotics Control Bureau, Patna Zonal Unit, Patna, on receiving the secret information about carrying the narcotics loading on the truck bearing Registration No.PB-13 AR-4066, intercepted the aforesaid truck and, on search, 581 kilogram Ganja, concealed in natural rubber sheets weighing 20000 kilograms, was recovered. From the truck, four persons, namely, Lakhbinder Singh, Sukhbindarprit Singh, Millan Yadav and Mithilesh Yadav were apprehended. Later on, the petitioner filed an application to release the seized natural rubber sheets with the contention that the petitioner used to manufacture and sell the natural rubber sheets and 20000 kilogram natural rubber sheets were sold by the petitioner to Namya Trading Company, 554-R-Model Town, Jalandhar, Ludhiana, and the same was loaded for transportation on the truck bearing Registration No.PB-13 AR-4066 of Associated Road Carries Limited but, in the way, the aforesaid truck was intercepted and searched by the Intelligence Officers, Narcotics Control Bureau, Patna Zonal Unit, Patna. On search, 581 kilogram Ganja concealed in 20000 natural rubber sheets was seized. Thereafter, the petitioner filed an application before the Sessions Judge, Bhagalpur, to release the seized natural rubber sheets but the same was rejected by the Sessions Judge, Bhagalpur, through the impugned order dated 01.07.2019 passed in N.D.P.S. 07 of 2019/N.C.B. 10 of 2019, which



has been challenged in this Criminal Revision.

4. On going through the impugned order, it appears that the Sessions Judge, Bhagalpur, rejected the prayer of the petitioner to release the seized rubber sheets arriving at the finding that the owner of the seized rubber sheets is still out of scene and the investigation is going on.

5. I find no illegality in the impugned order as the application was not filed by the owner of the seized rubber sheets rather the same has been filed by the petitioner, who had sold the natural rubber sheets to Namya Trading Company. Accordingly, this Criminal Revision stands dismissed. However, it is made clear that if the owner of the seized rubber sheets files an application for release of the same, the learned Sessions Judge, Bhagalpur, shall dispose of the same in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
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