

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80687 of 2019**

Arising Out of PS. Case No.-2 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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PREM SHANKAR GUPTA Son of Triugi Narayan Gupta, Resident of
Mohalla- Khichripur, P.S.- Khichripur, 5/16, Block B, New Delhi-1100091.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Rajesh Ranjan Kumar
For the Opposite Party/s :	Mr.Madhura Nand Jha

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT**

Date : 04-02-2020

Heard the parties.

2. This petition has been filed for quashing the order dated 20.12.2017 by which Special Judge has dismissed the petition of petitioner for release of his seized Maruti Suzuki.

3. Prosecution case was lodged on 07.02.2017 on the basis of secret information that Ganja is being transported in a Maruti vehicle same was intercepted and from back seat of said Maruti Suzuki 70 Kg Ganja was recovered and as such driver of the vehicle was apprehended and the contraband articles as well as Maruti Suzuki vehicle was seized and on the



basis of prosecution case G.R. Case No. 01 of 2017 was instituted under Section 20(b) of N.D.P.S. Act.

4. It is submitted that petitioner is registered owner of the Maruti Suzuki vehicle which has been seized for transporting contraband articles under the provisions of N.D.P.S. Act and said vehicle was taken away by accused Basudeo Das who was driver of the petitioner on the pretext of attending marriage and without consent and knowledge of petitioner Ganja was being transported in the vehicle of petitioner.

5. Petitioner being owner of the said vehicle filed an application on 26.07.2017 for release of vehicle in his favour, however, same was rejected by order dated 20.12.2017 on the ground that trial has commenced and the vehicle is liable for confiscation.

6. It is submitted that the vehicle is a perishable item which is lying in police station in open space, unattended and is subject to natural wear and tear and shall become scrape if it is left in said condition.

7. In the facts and circumstances of present case, court below is directed to release the vehicle in favour of petitioner on furnishing the bank guarantee of equal value of



the Maruti Suzuki by the petitioner to the satisfaction of 1st Additional Sessions Judge-cum- Special Judge, Nawada, in connection with N.D.P.S. Case No. 02 of 2017 with further condition that petitioner shall not sell the vehicle or create any third party right and shall produce the vehicle as and when directed by the trial court during trial or confiscation proceeding.

8. The release of the vehicle shall be subject to the outcome of confiscation proceeding.

(S. Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	

