HIGH COURT OF TRIPURA
AGARTALA

Crl. Petn. No.49/2020

Sri Apajit Roy

----Petitioner(s)

Versus

The State of Tripura

-----Respondent(s)

For Petitioner(s) : Mr. P.K. Ghosh, Advocate.

For Respondent(s) : Mr. Ratan Datta, P.P.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

Order

16/12/2020

Rule.

Learned Public Prosecutor Mr. Ratan Datta waived rule on behalf of the respondent.

Petitioner is an owner of a vehicle bearing registration No.TR-06-A-0519. The vehicle is seized by the police authorities in connection with NDPS case in which FIR was registered before Khowai Police Station on 21.03.2020. The petitioner previously applied to the Special Judge (NDPS), Khowai District for release of the vehicle. However, such

application was rejected by an order dated 01.12.2020 on the ground that the charge-sheet is filed but trial has not commenced.

Learned counsel for the petitioner submitted that the vehicle was seized on the same day of lodging of the FIR. Since then for nearly 9 months it is in police custody. The narcotic substance seized was not from the petitioner nor from the vehicle. The quantity of substance recovered was also small quantity. Most importantly the petitioner is sought to be involved on the basis of a statement of a co-accused from whose custody the narcotic substance was found. Even going by the prosecution case, the vehicle was not used in commission of the offence.

Considering the above *prima facie* aspects of the matter, in my opinion, continued seizure of the vehicle would not be necessary. The same shall be released on following conditions:

(i) Before release a proper Panchnama will be drawn;

(ii) The petitioner shall produce the vehicle before the trial Court as and when directed;

(iii) The petitioner shall not sell, transfer or create any encumbrance on the vehicle and maintain the vehicle in same condition as it presently is till the trial is over.

Petition is disposed of accordingly.

A copy of the order dated 01.12.2020 which is not produced is taken on record.

(AKIL KURESHI), CJ

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HIGH COURT OF TRIPURA
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