

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

Before:
The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 1144 of 2020
With
CRAN 1 of 2020 (Old 4613 of 2020)
CRAN 2 of 2020 (Old 4614 of 2020)

Manoj Saha
Vs.
The State of West Bengal

For the Petitioners : Mr. Satadru Lahiri.

For the State : Mr. Prasun Kumar Dutta,
Mr. Sanjay Kumar Bardhan,
Mr. S. D. Ray.

Heard on : 01.10.2020

Judgement delivered on : 01.10.2020

Jay Sengupta, J. :

This is an application challenging an order dated 21.09.2019 passed by the learned Special Judge, NDPS Court, Dakshin Dinajpur, thereby refusing to relax the condition for releasing a seized vehicle to the petitioner.

A report filed on behalf of the State is taken on record. Among other things, it indicates that no direction has been received from the learned Trial Court regarding confiscation of the seized vehicle.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the vehicle that was seized in connection with the present case under Sections 22C, 23C and 27A of the NDPS Act. However, the crime was not the doing of the petitioner and he is not even an accused in the said case. The petitioner had prayed for return of the vehicle on 30.01.2018, which was allowed, inter alia, on a condition to furnish a bank guarantee of Rs.5,25,000/-. However, the petitioner was not in a position to furnish such bank guarantee. In fact, he had purchased the vehicle on bank loan. Accordingly, the petitioner applied for relaxation of the condition, but the same was refused on 21.09.2019. Such condition ought not to be imposed as would frustrate the whole purpose of passing an order to release a vehicle. The petitioner is not in a position to furnish such bank guarantee. As such, the condition may be relaxed and for the rest of the amount, the petitioner shall execute a personal bond.

Learned Counsel appearing on behalf of the State submits that it is true that the vehicle was directed to be released to the petitioner who is not an accused in this case. But, the bank guarantee could not be furnished by the petitioner. However, it is also true that the learned Trial Court had not directed initiation of proceeding for confiscation of the vehicle.

Although the order of release was passed on 2018, the same could not be effected because the petitioner was not in a position to furnish such a high sum as bank guarantee. As a result, the vehicle in question has remained unused and forsaken. It would serve no one's purpose if the vehicle is allowed to decay in such fashion.

Neither any confiscation proceeding has been initiated in respect of the said vehicle nor is the petitioner an accused in this case.

In the premises and in the interest of justice, this Court finds it appropriate to relax the condition on which the vehicle was directed to be released. The vehicle shall be released in favour of the petitioner upon furnishing a bank guarantee of Rs.2,50,000/- and for the rest of the sum i.e. Rs.2,75,000/-, the petitioner shall execute a personal bond to the satisfaction of the learned Trial Court. The order directing release of the vehicle is modified to the above extent.

With these observations, the revisional application and the connected applications are disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)