

IN THE HIGH COURT OF JUDICATURE AT PATNA
(From the Residential Chambers via Video Application)
Criminal Writ Jurisdiction Case No.388 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- D.R.I District- Patna

1. M/S. N.K.S. LUNGI COMPANY having its registered office at 1/96 A, Ramasamuthiran village, Pallipet Taluk, Thirvallur, District Tamilnadu 631208 through its Partner Nanikam Kaniappan Narasimhan aged about 60 Years, Male, son of Nanikam Kaniappan resident of 83, Krishnanda Street, Podaturpeta P.S. Podaturpeta, District-Tiruvallur, Tamilnadu.
2. Bikaner Assam Road Lines India Ltd. having its Branch Office at Bhola Menson, 2nd floor, H B Road, Fancy Bazar, Guwahati, Assam through its Manager Pawan Kumar Bothra, male, aged about 47 years, son of Rikhab Chand Bothra, at present residing of H B Road, Fancy Bazar, P.S Pan Bazar, District-Kamrup, Guwahati, Assam.

... .. Petitioners

Versus

1. THE UNION OF INDIA THROUGH DIRECTORATE OF REVENUE INTELLIGENCE, PATNA REGIONAL UNIT, PATNA Patna.
2. The Deputy Director, Directorate of Revenue Intelligence, Regional Unit, Patna. Patna.
3. The Intelligence Officer, Directorate of Revenue Intelligence, Regional Unit, Patna. Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate

For the Respondent/s : Mr. Anshuman Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-02-2021 Heard Mr. Prabhat Ranjan, learned counsel for the petitioners and Mr. Anshuman Singh, learned counsel representing the respondents.

The present writ application has been preferred seeking release of 14640 pieces of Lungies which have been allegedly seized by the Directorate of Revenue Intelligence, Regional Unit, Patna in connection with Unit Case No. 02 of



2020-2021 corresponding to Special Case No. 81 of 2020 for alleged violation of Section 8 (c) of the Narcotics Drugs & Psychotropic Substances Act, 1985 (hereinafter referred to as the 'N.D.P.S. Act').

On perusal of the records, it appears that the respondent authorities have seized the truck in question in which the consignment of the Lungies and some Glass Sheets were going to be delivered to the consignees in the State of Assam. From the said truck, it is alleged that the respondent authorities seized huge quantity of Ganja.

Learned counsel for the petitioners submits that these petitioners are looking for release of the Lungies only and the present application is only for that purpose.

Mr. Anshuman Singh, learned counsel representing the respondents submits that so far as the respondent authorities are concerned, this being a case under the N.D.P.S. Act they have no authority of law to release the Lungies, however, if the petitioners are so advised, they may approach the learned Special Judge, N.D.P.S., Patna where the case is pending for the release of the Lungies and to that extent it is his submission that the present writ application has been filed before this Court without availing the statutory remedy for release before the



learned court below.

Learned counsel for the petitioners submits that considering the objection raised by the respondents, the petitioners shall approach the learned Special judge, N.D.P.S., Patna with an appropriate application for the release of the Lungies. Learned counsel, however, prays that a direction may be given to the learned Special Judge, N.D.P.S. to consider the application for provisional release at the earliest opportunity, because over the period, if the Lungies remained lying as it is, they will lose its' worthiness.

In view of the submissions made on behalf of the parties, this writ application is being disposed of leaving it open for the petitioners to seek their remedy before the learned Special Judge, N.D.P.S., Patna by filing an appropriate application for release/provisional release of the Lungies as the case may be.

Mr. Prabhat Ranjan, learned counsel for the petitioners submits that he would file such application within one week from today.

If such an application is filed with due service of the same upon the learned counsel for the respondents, this Court would observe at this stage that the learned Special Judge,



N.D.P.S., Patna shall consider the said application in accordance with law but at the earliest opportunity and all endeavours be made to dispose of such application within a period of four weeks from the date of filing of the application.

Learned counsel for the respondents undertakes to co-operate in disposal of such application.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

