

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37046 of 2020

Arising Out of PS. Case No.-77 Year-2020 Thana- MATIHANI District- Begusarai

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1. RAJ NARAIN CHOUDHARY S/o Late Saryug Choudhary R/o village- Radhopur, P.S.- Raghopur, District- Supaul
 2. SAROJ KUMAR S/o Arjun Choudhary R/o village and P.O. and P.S.- Kariho, Distt.- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home Department Govt. of Bihar, Patna Bihar
2. The Director General of Police, Patna
3. The Superintendent of Police, Begusarai
4. The Station House Officer, Matihani P.S., District- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nikhil Kumar Agrawal, Adv
	:	Ms. Aditi Hansaria, Adv
For the State	:	Mr.Nitya Nand Tiwari, Adv

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 02-02-2021 Let the defects be removed within four weeks.

Heard the parties.

Petitioner No.2-Saroj Kumar is owner of Tata Zest bearing Registration No.BR-50-P-3816 vide certificate of Registration at Annexure-2. The vehicle was a commercial vehicle vide Annexure-3 and petitioner No.2 gave it on hire to petitioner No.1-Raj Narain Choudhary. Raj Narain Choudhary is carrying business of travel agency. The said



vehicle was intercepted by the police and commercial quantity of Ganja was recovered. Accordingly, Matihani P.S.Case No.77 of 2020 was registered under different provisions of the N.D.P.S.Act.

Two persons on the said vehicle, namely, Shambhu Kumar and Chandan Kumar were arrested at the spot. Chandan Kumar disclosed that he was working for one Mukesh Jha and on being asked by Mukesh Jha, he was carrying Ganja from Jai Nagar to Begusarai on payment of Rs.3,000/-. Mukesh Jha had provided the vehicle.

Petitioner No.1-Raj Narain Choudhary filed an application for release of the vehicle before learned Additional Sessions Judge-I-cum-Special Judge, N.D.P.S. Act, Begusarai and the prayer was refused by the impugned order dated 11.11.2020 on the ground that only the registered owner can make such prayer in view of the provisions of Section 60 of the N.D.P.S.Act. Mr. Saroj Kumar was not petitioner before the learned court below.

If petitioner-Saroj Kumar makes such application before the learned Special Judge, the learned court below is expected to release the vehicle in favour of Saroj Kumar on



appropriate surety bond according to law.

With the aforesaid observation, this application
stands disposed off.

(Birendra Kumar, J)

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