

01.06.2021
Item no.9
Ct. No.42
CHC

C.R.R. No.1237 of 2021
(Through Video Conference)

In the matter of:-

Sadhana Saha alias Sadhana Ghosh
petitioner

Mr. Sayan Kanjilal,
Ms. Esha Acharyaya,
Mr. Sayan De

...for the petitioner

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan

...for the State

The revisional application is to challenge the impugned order dated 23rd March, 2021, passed by Learned Special Judge under N.D.P.S. Act, Balurghat, Dakshin Dinajpur rejecting the prayer for the petitioner to relax the condition as regards amount of the bond to be furnished so as to return back the seized vehicle.

Admittedly, by order dated 6th December, 2016, the vehicle seized under N.D.P.S. Act was directed to be returned upon the registered owner of the vehicle by furnishing a bank guarantee of Rs.4 Lakh. There was a prayer for relaxation of the amount of the bond, which was rejected by the order impugned.

According to learned advocate for the petitioner, the seized vehicle is the only source of income and due to the financial

inability of the petitioner, the required amount of bond could not be furnished in the meantime so as to get back the seized vehicle.

Mr. Arijit Ganguly, learned advocate representing the State submits that though the insurance value of the seized vehicle has been shown to Rs.80,000/- but there is no supporting document to buttress the same.

Having considered the submission of both sides, it appears that the vehicle was directed to be returned on 6th December, 2016 and since then the seized vehicle is lying idle for the inability of the petitioner to furnish the required bond.

That being the position, a little relaxation is thus felt necessary. The seized vehicle be returned to the registered owner/petitioner of the vehicle, as contained in the order dated 6th December, 2016, upon furnishing a bond of double amount of the insured declared value (Rs.80,000 x 2= 1,60,000/-) of vehicle. The other portions of the order dated 6th December, 2016 will, however, remain unchanged.

With this observation/direction, the order dated 6th December, 2016 stands modified to the extent as above.

C.R.R.1237 of 2021 stands disposed of.

(Subhasis Dasgupta, J.)