

Sr. 6
20-12-2021
Subha.
Court no. 34

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

CRR 1518 of 2021

In the matter of : **Mustaquim Ahmed Khan**petitioner.

In Re : An application under Section 401/482 483 read with
Section 451 of the Code of Criminal Procedure.

Mr. Md. Nauroz Rahber
.....for the petitioner.

Mr. Saibal Bapuli, ld. APP,
Mr. Arani Bhattacharyya
....for the State.

The learned advocate appearing for the petitioner submits that the vehicle was seized by the police authorities only on production by the present petitioner. The said vehicle is a commercial vehicle and ply according to the want of the customers and in the areas for which it has permission.

At the relevant point of time when the vehicle was intercepted, the said vehicle was driven by one Tarun Majumder, who happens to be the driver of the present petitioner. The subject matter of investigation was restricted to the accused persons neither the driver nor the present petitioners have been implicated in the instant case as an

accused which prima facie shows that the contraband was carried without knowledge of either the petitioner or the driver.

The case diary has been produced by the learned Additional Public Prosecutor, High Court, Calcutta appearing for the State.

Having regard to the settled principles of law regarding the return of the seized vehicle, I direct the learned special court to return the vehicle to the present petitioner on such terms and conditions as the special court deems it fit and proper.

With the aforesaid observations, the revisional application being CRR 1518 of 2021 is disposed of.

Interim order, if any, is hereby made absolute.

Pending applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(**Tirthankar Ghosh, J.**)