

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.725 of 2021

Arising Out of PS. Case No.-589 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SUJEET KUMAR @ SUJEET KUMAR SINGH, Son of Sanjay Singh,
Resident of Village - Tiltrath, P.S. - Barauni, District - Begusarai.

... .. Petitioner

Versus

The Union of India through its Senior Intelligence officer, Directorate of
Revenue, Intelligence, Regional Unit, Patna. Respondents

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Appearance :

For the Petitioner/s : Mr.Siya Ram Shahi, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioner. No one

appears for the respondents.

Petitioner in this case is aggrieved by and dis-
satisfied with the order dated 09.12.2020 passed by the learned
District & Session Judge, Begusarai in NDPS Case No. 30 of
2019 (arising out of Muffasil P.S. Case No. 589 of 2019, G.R.
No. 1024 of 2019) whereby and whereunder the learned court
has rejected the prayer of the petitioner to release the
motorcycle of the petitioner in question.

Learned counsel for the petitioner has
submitted that as per allegation 46 grams of *ganja* was
recovered from the dicky of the motorcycle. It is submitted
that the seizure was made on or about 09.11.2019 and since
then the motorcycle in question is lying under open sky in
the premises of the Police Station. It is submitted that



the trial of the case is not likely to be concluded in near future.

It is submitted that with every passing day, the motorcycle is losing its road worthiness and there is every possibility that over the period either most of the valuable parts of the motorcycle would have been stolen away or would not be in a position to be used.

Referring to the judgment in the case of Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai vs. State of Gujarat** reported in (2002) 10 SCC 283 followed by **General Insurance Council and Others Vs. State of Andhra Pradesh and Others** reported in (2010) 6 SCC 768, learned counsel submits that no significant purpose would be served in keeping the motorcycle in the Police Station till conclusion of the trial. Petitioner is ready to abide by such terms and condition on which release may be ordered.

No one appears to oppose this application.

In the given facts and circumstances of the case, considering that the motorcycle is lying under seized condition and under open sky in the Police Station for the last about 3 years and the trial of the case is not likely to be concluded in the near future, this Court directs the release of the motorcycle bearing Registration No. BR- 09P - 9992, subject to the petitioner



furnishing a surety bond (not in cash or in form of bank guarantee) to the extent of the value of the motorcycle in question as per the last insurance value of the motorcycle, in the learned court below. The petitioner shall also furnish an undertaking that during pendency of the trial court he will not transfer it and would not encumber otherwise and shall produce the same as and when required by the competent Court and in course of trial will not question the identity of the motorcycle. The Panchnama of the motorcycle shall also be prepared in presence of the two witnesses and the same shall be kept on the records of the learned trial court.

Let the entire exercise be carried out within a period of 7 days from the date of submission of the surety bond in the learned court below.

This 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'.

