

23.09.2022
S/L No.65
KS

**C.R.R. 2493 of 2021
With
IA No. CRAN 1 of 2021**

**Maina Saha
-Vs.-
The State of West Bengal**

Mr. Avik Ghatak
Mr. Amit Ranjan Pati
.....For the Petitioner
Mr. Imran Ali
Mr. Nirupam Dhali
.....For the State

The learned Special Court had an occasion to deal with the issue relating to return of the seized vehicle in connection with NDPS Case No.08 of 2021 arising out of Kult Police Station Case No.263 of 2021 dated 07.06.2021.

The petitioner has been implicated in the case under Section 21(b) of the NDPS Act. The petitioner filed an application for return of the seized vehicle in the month of August, 2021 and reiterated such prayer on 3rd September, 2021. On the basis of the police report, the Learned Court refused to return the seized vehicle.

I have considered the submission of the learned advocate appearing for the petitioner as well as learned advocate appearing for the State. This Court has not been appraised regarding the progress of the Trial. In case the examination of the witnesses have not commenced, the learned Special Court is directed to reconsider the prayer so that the vehicle which is the

subject-matter is not reduced to a scrap. The Learned Special Court would be at liberty to impose stringent conditions so that the vehicle is made available as and when required by the Trial Court and if required, the same would be surrendered after the outcome of the proceedings or in respect of the confiscation proceedings before the appropriate authority.

With the aforesaid observation, C.R.R. 2493 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)