

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42720 of 2015

Arising Out of PS. Case No.-31 Year-2010 Thana- MADHWAPUR District- Madhubani

Lal Babu Yadav Son of Moti Lal Yadav resident of Dyahi, P.S. -Rahika,
District - Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.A.A.Khan App

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 10-04-2023 Heard learned counsel for petitioner and learned
Additional Public Prosecutor.

Learned counsel for the petitioner is permitted to add the Union of India as opposite party no. 2 and the same will serve a copy upon learned Additional Solicitor General of India as well as learned counsel for the State of Bihar and both shall file counter affidavit on or before next date of hearing.

The learned Additional Public Prosecutor has filed a status report which is taken on record.

Learned counsel for the petitioner submits that the trial of the petitioner is concluded and he has been convicted.

If the petitioner has been convicted, the vehicle which has been used for smuggling *Ganja*, cannot be released. It is for the prosecuting agency, the Union of India to decide as to



whether the vehicle should be confiscated under the N.D.P.S.
Act or not.

With the aforesaid observation and direction this
application is disposed of.

Let a copy of order be communicated to
Superintendent of Police, Madhubani for necessary action.

The Superintendent of Police, Madhubani is directed
to act in accordance with the law laid down by Hon'ble
Supreme Court in **Sunderbhai Ambalal Desai Vs. State of
Gujarat (2002) 10 SCC 283** and he will see to it that all the
vehicle lying seized under his jurisdiction which are not
required for trial are auctioned at the earliest.

(Sandeep Kumar, J)

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