

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1348 of 2022

Arising Out of PS. Case No.-15 Year-2019 Thana- D.R.I District- Patna

MAHENDRA SINGH Son of Harphul Singh Resident of Village - Dhani Shyorani, P.O.- Deoroad, P.S.- Chirawa, Dhani Shyorani , Jhunjhunun, Rajasthan 333035

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Kumar Mrs. Renu Jha Mr. Prakash Kumar
For the Opposite Party/s :		Mr.Anita Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 14-09-2023 This application has been filed for quashing the order dated 24.09.2021 passed by Additional Sessions Judge-IX, Patna in Special (NDPS Act) Case No. 168/2019 whereby and whereunder the learned Additional Sessions Judge-IX dismissed the petition filed by the petitioner under Section 451 of the Code of Criminal Procedure.

2. As per allegation, huge quantity of *Ganja* was recovered from a container truck bearing registration no. RJ -18GB/5026. Driver and cleaner of that truck were arrested at the spot.

3. The learned counsel for the petitioner has submitted that the petitioner is owner of the truck, which was seized by the police officials. She has submitted further that the petitioner had



rented his truck to the persons, who were arrested at the spot and they used his truck for illegal purpose of transporting *Ganja*. She has submitted further that keeping the vehicle in police station shall serve no purpose and it is nothing but a national loss, as observed by the Hon'ble Supreme Court in the case of *Sunderbhal Ambalal Desai vs State of Gujarat reported in 2002 supplementary (3) SCR 39* as well as another Bench of the Hon'ble Supreme Court in case of *Ashok Kumar vs. State of Bihar 2001 volume 9 SCC 718*.

4. In my view, keeping the vehicle in police station shall serve no purpose.

5. Considering the above-mentioned facts and circumstances, the order dated 24.09.2021 passed by learned Additional Sessions Judge-IX is set aside.

6. The said vehicle is directed to be released, after taking indemnity bond and also an undertaking that as and when it is required, the petitioner shall produce truck before the requiring authority.

7. With these observations, the petition is allowed.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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