

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.55 of 2023

Arising Out of PS. Case No.-5 Year-2020 Thana- D.R.I District- Patna

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Cj Darcl Logistics Limited Through Manas Ranjan Raut Son Of Indramani Rout Cj Darcl Logistics Limited (Earlier Known As Darcl Logistics Limited) Having Its Corporate Office At Plot No. 55, Sector- 44 Institutional Area, Gurugram, Haryana Having Its Branch Office At Bain Barn Niwas, 2nd Floor, Bhagwat Nagar, Main Bazar Road, Near Ganpati Dental Hospital, Patna 800026 Through Manas Ranjan Raut, S/O Indramani Rout, Branch Incharge, R/O Ostapur, P.S. And District- Kendrapara, Orissa

... .. Petitioner/S

Versus

1. The Union Of India Through The Dy. Director, Directorate Of Revenue Intelligence, Regional Unit Patna Directorate Of Revenue Intelligence, Regional Unit, Malaynil House Of Smt. Manju Pandey, Opposite Goal Institute, Main Road, Budha Colony Patna
2. The Dy. Director, Directorate Of Revenue Intelligence, Regional Unit, Patna Regional Unit, Malaynil House Of Smt. Manju Pandey, Opposite Goal Institute, Main Road Budha Colony Patna
3. The Intelligence Officer, Directorate Of Revenue Intelligence, Regional Unit Patna Regional Unit, Malaynil House Of Smt. Manju Pandey, Opposite Goal Institute, Main Road, Budha Colony, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Adv.
For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-04-2023 Counsel for the petitioner present.

No one appeared on behalf of the Union of India.

Counsel for the petitioner submits that present application has been filed for quashing the order dated 08.09.2020 and 29.11.2021 passed by Sessions Judge/Special Judge, Patna in Special Case No.-81/2020 arising out of F.No.- DRI/LZU/PRU/718(ii)/ENQ-05/2020 dated 04.06.2020.

Counsel for the petitioner submits that vide order dated 08.09.2020, 33 Glass Sheets, seized in this case, has been directed to be released in the favour of the petitioner-applicant by way of ad-interim custody on the following terms and conditions given below-

(1) On execution of bank guarantee of Rs. 9,00,000/- (Rupees Nine Lacs) by the petitioner-applicant to the Court-Concerned/Authority where the case is pending.

(2) After proper verification and identification by the concerned Authority.

(3) The petitioner-applicant shall not dispose off/sell the said Glass Sheets and the same will be produced as and when required by the Court.

Counsel for the petitioner submits that he has moved before this Court, only and only, with one grievance i.e. to say that he has already filed a bank guarantee of Rs. 9,00,000/-, which is equivalent to the price of Glass Sheets, then the third condition imposing not to dispose off/sell the Glass Sheets, may be directed to be removed from the conditions for release. Counsel submits that Glass Sheets were the items which were present in the truck and on the wrong done by the driver and

khalasi, the Glass sheets, which were going on the said truck, were seized and subject to the litigation. The said Glass Sheet is not an N.D.P.S. material, even then the petitioner, being a law abiding citizen, is ready to execute Bank guarantee for the said item, which is not an N.D.P.S. material.

The said material was seized from the truck, on which it was going on for business purposes but due to wrong done by the driver, *khalasi*, etc. this material was kept on the truck and was seized and with the passing of time, it is deteriorating its price, if not sold in the market at appropriate stage then it may coast huge loss to the petitioner. He submits that petitioner is ready to do all the things i.e. to say execute a Bank guarantee of its equivalent price, if Court shall direct or confiscate it after trial and the petitioner found guilty in the said matter.

No one appeared on behalf of the counsel for Union of India.

Upon going through the material, as well as, the principles laid down in the case of **General Insurance Council & Others Vs. State of Andhra Pradesh & Others, [(2010) 6 SCC 768]** and **Ashok Kumar Vs. State of Bihar 2001(9) SCC 718**, I found that the third condition is unnecessary, particularly when a bail bond of Rs. 9,00,000/- equal to the price of sell of

Glass Sheet is being provided by the petitioner.

In this view of the matter, the order dated 08.09.2020 passed by Sessions Judge/Special Judge, Patna in Special Case No.-81/2020 arising out of F.No.-DRI/LZU/PRU/718(ii)/ENQ-05/2020 dated 04.06.2020. is hereby **modified** up to that extent that the Glass Sheets shall be directed to release without condition three in the said order and order dated 29.11.2021 passed by Sessions Judge/Special Judge, Patna in Special Case No.-81/2020 arising out of F.No.-DRI/LZU/PRU/718(ii)/ENQ-05/2020 dated 04.06.2020.

(Dr. Anshuman, J.)

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