

17-08-2023
Court No.3
bm/mg/8.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

C.R.R. 29 of 2022

**MAHADEB RAKSHIT @ MAHADEV RAKSHIT
Vs.
The State of West Bengal**

Mr. Hillol Saha Poddar
... for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Sourav Ganguly
...for the State

The instant application is filed under Sections 397/401 of the Code of Criminal Procedure read with Section 482 of the Code of Criminal Procedure against the Order dated 05.09.2020 passed by the Court of Additional Sessions Judge, First Court, Cooch Behar (Special Court under Narcotic Drugs and Psychotropic Substance Act, 1985) in connection with NDPS case no. 44 of 2019 arising out of Cooch Behar Kotwali police station case no.265 of 2019 dated 07.05.2019. The petitioner prayed for return of vehicle being no. WB63A0122 in view of

the fact that charge sheet has been filed and detention of the vehicle was not necessary.

The Trial Court observed that previous prayer was turned down and on the same ground this time also prayer for return of vehicle was dismissed. In passing the impugned Order the Trial Court did not take into consideration the changed circumstances. The Order passed by the Trial Court is expected to be reasoned taking into consideration of the factual situation of the matter. This does not implies that Trial Court must allow the application for return of vehicle but whatever Order may be passed should be reasoned and should be on the basis of and should take into consideration the changed facts and circumstances.

Accordingly, the instant application is allowed.

Impugned Order no. 34 dated 05.09.2020 passed by the Additional Sessions Judge, First Court, Cooch Behar in NDPS case no.44 of 2019 is set aside.

The Trial Court shall re-hear the application and shall pass reasoned Order.

Accordingly, the instant application stands disposed of along with pending application, if any.

(SUGATO MAJUMDAR, J.)