

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26483 of 2023

In
CRIMINAL MISCELLANEOUS No.57481 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. M/S B.L.R. LOGISTIKS (I) LTD. THROUGH ITS GENERAL MANAGER MR. VISHWANATH CHATTERJEE Aged about 60 years son of Amarendra Chatterjee, resident of Flat No. 4A, Block - G, Eden Exotica Nayabad Avenue, New Gorla, P.S. - Panchasagar, Kolkatta - 700094, West Bengal
 2. Alpharub Trading and Manufacture (P) Ltd. Kerala through its Manager Trading, Anoop Mohandas aged about 39 years, son of B. Mohandas, resident of 49/ 783B Siva Kripa, NJRA 19, Aishwarya Lane, P.S. - Elmakara, Distt. - Ervakulam, Kerala

... .. Petitioner/s

Versus

The Union of India through Narcotics Control Bureau, Karpoori Thakur Sadan, C.G.O., Complex The Union of India through Narcotics Control Bureau, Karpoori Thakur Sadan, C.G.O., Complex, D and E Block, Ashiyana Digha Road, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Wasi Ahmad Khan
For the Opposite Party/s : Mr.Manoj Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 13-03-2024 1. Heard learned counsel for the petitioners and

learned counsel appearing on behalf of Union of India.

2. Learned counsel for the petitioners submits that a complaint case came to be filed by the Intelligence Officer, N.C.B, alleging that he received confidential information that a truck loaded with *Ganja* is coming from Agartala to Bhaktiyarpur. Accordingly, a team was constituted, and the truck was intercepted at Bhaktiyarpur and on search, 49 packets of



ganja weighing 766 kgs were recovered and Jasvinder Singh, (driver) and Binay Kumar were apprehended. It is next submitted that the present petitioners were not made accused in the case instituted by the N.C.B. It is further submitted that the petitioner No. 1 is Branch Manager of M/s B.L.R. Logistics (I) Limited, which is a transport company and petitioner No. 2 is Manager of Alpharub Trading and Manufacture (P) Ltd, Kerala, which is a reputed rubber manufacturing company of Kerala. It is next submitted that 400 bundles of natural rubber-sheets were sold to Kohinoor Export and Import Private Limited, Jalandhar, by Alpharub Trading and Manufacture (P) Ltd. and the said consignment of rubber-sheets were dispatched by the supplier at Agartala to Jalandhar by M/s BLR Logistics (I) Limited, by truck, as such, the petitioner No. 2 herein is the owner of the seized 400 bundles of natural rubber-sheets, which was also seized along with the *Ganja*.

3. The learned counsel submits that though the FIR was instituted under NDPS Act, but then the petitioners were not made accused in the case, as such, the petitioners had filed an application seeking release of the rubber-sheets before the learned trial court, which came to be rejected, against which the petitioners filed Criminal Revision No. 224 of 2019, which was



allowed by an order dated 12-3-2019, and the rubber-sheets were directed to be released in favour of the petitioners on furnishing bank guarantee of Rs 22,57,500/-.

4. The learned counsel submits that thereafter the petitioners again filed Cr. Misc No. 57481 of 2019 seeking modification of the condition imposed by order dated 12-3-2019 passed in Criminal Revision No. 224 of 2019. It is next submitted that this court, by order dated 25-9-2019, was pleased to modify the order dated 12-3-2019 and the bank guarantee was reduced to Rs 10 lakhs and for the remaining amount, the cars of petitioner No. 1 were directed to be pledged by way of security with a further condition that the petitioner will not sell the vehicles till conclusion of the confiscation proceeding without permission of the special court.

5. The learned counsel submits that the instant Cr. Misc. No. 26483 of 2023 has been filed seeking modification of the order dated 25-9-2019 whereby the order dated 12-3-2019 was modified with the aforesaid conditions.

6. It is next submitted that since petitioners are not accused in the case relating to NDPS and it is not in dispute that the rubber-sheets belongs to the petitioner and the same having been released, no useful purpose would be served by keeping



the cars by way of security.

7. The learned counsel appearing on behalf of Union of India submits that it appears that the petitioners are indulging in leisure litigation. It is next submitted that initially when the order was passed on 12-3-2019 in Criminal Revision No. 224 of 2019, certain conditions were imposed which were further modified by order dated 25-9-2019 in Cr. Misc. No. 57481 of 2019, but then the same was done as the petitioners had approached this court immediately after 12-3-2019, but the present case has been filed four years after the order dated 25-9-2019 having been passed. It is thus submitted that it appears that the petitioners are litigating leisurely. It is also submitted that the trial is in progress.

8. Considering the submission made by the learned counsel appearing on behalf of Union of India, this court finds no merit in the instant modification application.

9. Accordingly, the modification application is dismissed.

(Satyavrat Verma, J)

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