

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 378 of 2024**

Arising Out of PS. Case No.-738 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

Amit Kumar @ Vishal Kumar S/O Osihar Bhagat R/O VILLAGE KARAIYA,
WARD NO 4, KOIRI TOLA, P.S. - GOPALGANJ, DISTRICT GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Respondent/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 29-11-2024

With consent of both the parties, heard finally.

2 This revision petition has been preferred by the petitioner being aggrieved with the order dated 07.02.2024/04.03.2024 passed by the Court of Additional Sessions Judge VIII, Gopalganj in NDPS Case No 63 of 2022 whereby and where under the learned Additional Sessions Judge, while allowing the application of the petitioner for release of motorcycle bearing Registration No BR28Y8374, directed the petitioner to file bank guarantee of Rs 1 lac having the initial validity of one year and the same shall be extended from time to time.



3 Heard both the counsel. Perused the impugned order as well as the other documents annexed with the petition.

4 Undisputedly, the petitioner is the registered owner of the seized vehicle bearing Registration No BR28Y8374 which has been seized in connection with Gopalganj Town PS Case No 738 of 2022 registered for the alleged offence punishable under Sections 8/20 (b) (ii) (B) of the NDPS Act. There is also no dispute of the fact that at the time of deciding the application for release of the vehicle, the prosecution also admitted the fact that there is no requirement of the motorcycle for further enquiry and it has no objection for releasing the vehicle in favour of the petitioner.

5 Learned counsel for the petitioner would submit that the petitioner is ready to comply with the other conditions imposed by the learned Additional Sessions Judge in the impugned order. However, due to his poor financial condition, he is unable to produce the bank guarantee of Rs 1 lac before the learned Court below. Instead of that, he is ready to furnish surety of the like amount, if this Court so directs. Therefore, it is prayed by the learned counsel that this petition may be allowed.

6 After considering the submission made by both the counsel and further considering the totality of the case, I am of the



view that by asking a bank guarantee of Rs 1 lac from the petitioner appears to be harsh against him. Since he is not able to produce the bank guarantee, it would be appropriate to direct him to produce the surety of Rs 1 lac, instead of bank guarantee, to the satisfaction of the concerned trial Court.

7 Accordingly, the petitioner is directed to do so and resultantly, this revision petition is disposed of with the aforesaid observation.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.12.2024
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