

09.02.2024
SL No. 9
Ct No. 7
SB

C.R.R. 240 of 2018

In the matter of: Vinod Kumar @ Vinod Kumar Pandey

None appears on behalf of the either of the parties even on second call. Nor any accommodation is prayed for on their behalf.

This matter is running in the list since 14th June, 2023. Repeated directions were given to the parties. However they did not appear even on last date, when the parties were directed to ensure their appearance on the adjourned date, i.e today, otherwise, necessary order would be passed on the basis of the materials available on record.

Hence this matter is taken for passing of order.

This revisional application under Section 482 of Cr.P.C. has been preferred by Vinod Kumar @ Vinod Kumar Pandey, wherein he has challenged the order no. 14 dated 13.11.2017 passed by learned Judge, Special Court (under NDPS Act), 2nd Court, Jalpaiguri, in connection with Birpara P.S. Case No. 65 of 2017 dated 24.5.2017 under Sections 21(C) / 22 (C) of the N.D.P.S. Act by which the prayer of the petitioner to return his vehicle was allowed on the condition of furnishing bank guarantee of Rs.20 Lacs.

Perused the impugned order which was passed by learned Judge, Special Court (under NDPS Act), 2nd Court, Jalpaiguri in connection with the petition filed by Anwar Hossin, constituted attorney of Vindo Kumar@ Vindo Kumar Pandey for returning of vehicle bearing no. MP-17-HH-2342 which was seized on 24.05.2017 at 16:45 on NH 31C at Birpara Chowpati by S.I Pankaj Thapa in connection with Birpra Case no.65 of 2017, under proper seizure list. During course of investigation the owner of vehicle Vinod Kumar Pandey did not cooperate the I.O. This petition was filed after submission of charge-

sheet. Considering the above facts learned Judge, Special Court was pleased to pass order for return of vehicle but on stringent condition that- i) furnishing of bank guarantee to the tune of Rs.20,00,000/- , ii) to produce the vehicle before the court, iii) in the meantime vehicle should not be sold or otherwise disposed of to any third party creating any obligation to the vehicle, iv) to keep the vehicle as it is without challenging its color and basic structure. Revisionist petitioner has challenged the huge amount of bank guarantee. As per surveyor the existing valuation of vehicle is Rs.11,50,000/-. Present status of this case is not available. No information as to seized vehicle is available on record. More than 6 years has been spent from the date of filling of this revisional application. Petitioner has not appeared since ling.

Accordingly, I do not find any irregularity or any consistency in the impugned order. So, I do not think that intervention of this required.

Accordingly, the instant revision along with attached application, if any, is/are disposed of.

The interim order, if any, stands vacated.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon completion of requisite formalities.

(Uday Kumar, J.)