

10.09.2024
rc/ct.no.34
Item No.258

CRR No. 2756 of 2024

In the matter of : Bapi Naskar

.....Petitioner

Mr. Angshuman Chakraborty
Ms. Shanshanka Sekhar Saha

...for the Petitioner

Mr. Bidyut Kumar Ray

...for the State

Affidavit of service filed by the petitioner and report submitted on behalf of the State are taken on record.

The petitioner seeks return of his motor cycle which was seized from his residential unit in connection with NDPS Case No. 55 of 2022 pending before the learned Additional Sessions Judge, 4th Court, Alipore. In the order impugned dated March 22, 2024, the learned Sessions Judge has observed that the motor cycle bearing no. WB 98H 1259 is an alamat of the case and a very important material exhibit which has direct nexus with the matter and has been used for transportation of narcotic substance. Such observation of the learned Trial Court is not supported by any document whatsoever. There is also no explanation in the said order as to what prompted the learned Judge to make such observation. The report submitted by the State today is also silent in this regard.

It is not in dispute that the contraband was allegedly recovered from the house of the petitioner and the motor cycle was also seized from the house along with the contraband. The

State having failed to produce any document to prima facie establish the nexus between the motor cycle and the alleged offence, there is no reason why the motor cycle shall not be returned to the petitioner who is admittedly the owner of the same.

In view of the above, the order impugned dated March 22, 2024 passed by the learned Sessions Judge, 4th Court, Alipore is set aside/quashed.

The seized motor cycle bearing no. WB 98H 1259 be returned to the petitioner upon furnishing bond of Rs.5.00 lakhs subject to the condition that the petitioner shall not transfer and/or alienate the same to any person, shall not change the nature, character and colour of the same and shall produce it before the learned Trial Court as and when called for.

CRR No. 2756 of 2024 is disposed of.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)