

24.09.2024
Item No. 16
SG

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. No. 3280 of 2024

In the matter of : Monayeb Biswas.petitioner

Mr. Tapodip Gupta

..... for the petitioner

Mr. Sujata Das

..... for the State

1. It is submitted on behalf of the petitioner he is the owner of the vehicle and was not aware that the vehicle was used to carry contraband goods, that is, ganja. Learned Judge directed return of the vehicle on the condition he shall furnish a bank guarantee of Rs. 12 lakhs. Petitioner submits the said amount is excessive and renders the order illusory.
2. Ms. Sujata Das, who ordinarily appears for the State, is requested to appear in the instant case for the State. Learned Public Prosecutor is directed to regularize his appointment.
3. Ms. Das contends the amount was fixed bearing in mind the nature of the offence and the vehicle used to commit the crime.
4. I have considered the materials on record. Vehicle was directed to be returned to the petitioner on furnishing a bank guarantee of Rs. 12 lakhs. I am of the view if the petitioner is unable to furnish bank guarantee for release of the vehicle and the trial continues for a protracted period, the vehicle shall be in police

custody during the said period and would deteriorate in value. Reasonable conditions ought to be imposed while directing interim release of vehicle.

5. Accordingly, we modify the condition imposed for release of the vehicle and direct petitioner shall furnish a bank guarantee to the tune of Rs. 8 lakhs to the satisfaction of the trial Court. On furnishing the said bank guarantee and subject to the other conditions imposed in the order impugned the vehicle shall be released.
6. With these observations, CRR 3280 of 2024 is disposed of.

(Joymalya Bagchi, J.)