

CRR 4692 of 2023

Sangita Jha @ Sangeeta
Vs.
State of West Bengal

Adv. Yogesh Kr. Sharma,
Adv. Krishna Singh
... for the petitioner.
Adv. Debasish Roy, Ld. P.P.
Adv. Arijit Ganguly,
...for the State.

Report submitted by the State is taken on record.

It is submitted that the Investigating Officer has not raised any objection to return of the seized vehicle before the learned trial Court. The petitioner's prayer for return of the vehicle was turned down by the Additional Sessions Judge-cum-Judge, Special Court, Hooghly, by the order impugned dated 16th October, 2023 in NDPS case no. 6 of 2023 on the ground of specific bar under Section 60 of the Act.

Learned counsel for the State submits that no confiscation proceeding has been initiated in respect of the vehicle till date.

In view of the above, this Court is inclined to hold that since the petitioner who is the owner of the vehicle has *prima facie* no nexus whatsoever with the offence alleged and the petitioner's husband who was driving the vehicle at the relevant time has been released on bail the vehicle may be released subject to certain conditions.

The order passed by the learned Additional Sessions Judge-cum-Judge, Special Court, Hooghly on 16th October, 2023 in NDPS case no. 6 of 2023 be set aside/quashed.

The vehicle bearing registration no. WB04F-4708 be returned to the petitioner on condition that the shall furnish a bond of Rs.5 lakhs and on further condition that the petitioner shall not change the nature, character and colour of the vehicle in any manner, shall not transfer/alienate the vehicle and shall produce the vehicle before the Court as and when called for.

Accordingly, CRR 4692 of 2023 is disposed of.

Urgent photostat certified website copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Suvra Ghosh, J.)