

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17596 of 2025

Arising Out of PS. Case No.-377 Year-2023 Thana- GAIGHAT District- Muzaffarpur

Kamal Agarwal S/O Late Suresh Agarwal R/O Banglow No.- A12, Sage
Miles Stone, Samardha, Huzur Bhopal, P.S- Mishrodh, Distt.- Bhopal,
Madhya Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Ojha, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-09-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The present application has been filed for
quashing of the order dated 31.01.2025 passed in NDPS Case
No.195 of 2023 arising out of Gaighat P.S. Case No.377 of 2023
by the learned Exclusive Special Court-II, NDPS, Muzaffarpur
whereby the learned Special Judge has rejected the prayer of the
petitioner to release his vehicle Bearing Registration
No.BR11GB9378.

3. Learned counsel appearing on behalf of the
petitioner has placed reliance upon the judgment of the Apex
Court in case of **Ashok Kumar Vs. State of Bihar and others**
reported in **(2001) 9 SCC 178** and in case of **Sunderbhai**



Ambalal Desai V. State of Gujarat reported in (2002) 10 SCC 283. He has referred paragraph no.18 of the judgment of the Apex Court in case of **Sunderbhai Ambalal Desai** (supra) to contend that the vehicle is in compound of Gayaghat police station for a long time and till the final disposal of the case, the same is required to be released in favour of the petitioner, who is the owner of the vehicle and has not been made accused.

4. Learned App appearing on behalf of the State has submitted that soyabean grits which were kept on the said vehicle were directed to be released *vide* order dated 27.06.2024 passed in Cr. Rev. No.42 of 2024 and he is also of the opinion that no purpose would be served, if the truck is not released after accepting bank guarantee equal to the value of the truck in question.

5. Having considered the rival submissions made on behalf of the parties, as well as, the law laid down by the Apex Court in case of **Ashok Kumar** (supra) and **Sunderbhai Ambalal Desai** (Supra), I direct the learned Exclusive Special Court-II, NDPS, Muzaffarpur to release the truck provisionally in favour of the petitioner with a condition that the petitioner should furnish an unconditional bank guarantee equal to amount of value of the truck along with two solvent sureties to



the satisfaction of learned Exclusive Special Court-II, NDPS,
Muzaffarpur.

6. Accordingly, the present application stands
disposed of.

(Purnendu Singh, J)

Sanjay/-

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