

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28597 of 2025

Arising Out of PS. Case No.-73 Year-2023 Thana- BIRPUR District- Supaul

Lalan Mehat @ Lalan Kumar Mehta S/o Ramsagar Mehta R/o vill - Bela,
ward no. 4, P.S.- Narpatganj, Distt - Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 11-07-2025

Heard learned counsel appearing for the petitioner and
learned A.P.P. for the State.

2. The present application has been preferred under section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (in short the, 'B.N.S.S.') for quashing the order dated 31.01.2025 passed by learned Additional Sessions Judge-II, Supaul, in NDPS Case No. 17/2023, arising out of Birpur P.S. Case No. 73/2023 registered for the offence punishable under Section 8/20(b)(ii), 8/21(b) of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as the 'N.D.P.S. Act') and Section 25(1-b)a/26 of the Arms Act, whereby and whereunder learned court below has rejected the petition filed by the petitioner for release of the vehicle



(**Hundai i10 Car**) bearing Registration No. **AR02B-6309** which was seized by the police.

3. The case of the prosecution in brief is that the informant, who was the Inspector-cum-SHO, Birpur P.S., alleged that on 01.03.2023, he was informed by O.P. Incharge, Bhimnagar, that the accused namely, Joganand Mandal of Birpur P.S. Case No. 72/2023 was engaged in taking Brown Sugar from the petitioner, who has supplied him through his Hundai i10 car. The informant alleged that on such information, he along with raiding team reached at the place of occurrence, where he saw one car bearing Reg. No. AR02B-6309, which was standing before the garage of one Sanjay Mehta. He further alleged that one person, who was trying to flee, was apprehended, and disclosed his name as Lalan Mehta (the petitioner). On search of the aforesaid vehicle, 8 Kg. of ganja kept in plastic sack, and other narcotic like substances were recovered from the dicky of the vehicle. On further search of the body of the apprehended person, one loaded country made pistol was recovered. Hence, the present F.I.R. has been lodged.



5. The vehicle in issue, as aforesaid, was claimed by petitioner being rightful owner.

6. Learned counsel appearing for the petitioner submitted that petitioner is named in the present F.I.R. and he is the registered owner of the aforesaid vehicle in question. Learned counsel submitted that petitioner has no concern with the recovered contraband articles.

7. Learned counsel further submitted that petitioner undertakes that as and when the learned trial court/concerned court would direct to produce the vehicle in question, the same shall be produced before the concerned court.

8. While concluding the argument, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Sunderbhai Ambalal Desai vs. State of Gujarat** as reported in **(2002)10 SCC 283** and prayed to release the aforesaid vehicle.

9. Learned A.P.P. for the State, while opposing the quashing petition, submitted that 8 Kg. ganja along with other contraband articles have been recovered from the vehicle in question.



10. Having heard learned counsel for the parties and after perusal of the records, it appears *prima facie* that petitioner is the registered owner of the vehicle in question, where confiscation proceeding *qua* vehicle is yet to be initiated.

11. It would be apposite to reproduce para 21 of the legal report of Hon'ble Apex Court in the case of **Sunderbhai Ambalal Desai (supra)**, which reads as under:

“21. However, these powers are to be exercised by the Magistrate concerned. We hope and trust that the Magistrate concerned would take immediate action for seeing that powers under Section 451 CrPC are properly and promptly exercised and articles are not kept for a long time at the police station, in any case, for not more than fifteen days to one month. This object can also be achieved if there is proper supervision by the Registry of the High Court concerned in seeing that the rules framed by the High Court with regard to such articles are implemented properly.”

12. Accordingly, the impugned order dated 31.01.2025 passed by learned Additional Sessions Judge-II, Supaul, in NDPS Case No. 17/2023, arising out of Birpur P.S. Case No. 73/2023 *qua* petitioner is hereby quashed/aside.

13. The present application stands allowed with directions to the learned trial court to release the Vehicle



(**Hundai i10 Car bearing Reg. No. AR02B-6309**) in question against such sureties and conditions, satisfying the learned trial court/court concerned to petitioner/rightful owner. Further, the petitioner shall not sell or part with the ownership of the Vehicle till conclusion of the trial and shall furnish an undertaking to the trial court that he shall surrender the Vehicle within one week, of being so directed and/or pay the value of the Vehicle (determined according to Income Tax law on the date of its release), if so ultimately directed by the Court.

14. Let a copy of this order be sent to learned trial court/concerned court forthwith.

(**Chandra Shekhar Jha, J.**)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2025
Transmission Date	11.07.2025

