

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15692 of 2025

Arising Out of PS. Case No.-203 Year-2019 Thana- SIDHWALIYA District- Gopalganj

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Raju Sah, Son of Yogendar Sah, Resident of Dakshineshwar, P.S. -
Dakshineshwar, District - North 24 Parganas (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT

Date : 12-02-2026

Heard Mr. Adesh Raj Singh, the learned counsel for
the petitioner and Mr. Zainul Abedin, the learned Addl. Public
Prosecutor for the State.

2. This is an application seeking quashing of the
order dated 29.04.2024 passed by the Court of learned 1st Addl.
Sessions Judge, Gopalganj in connection with Sidhwaliya P.S.
Case No. 203 of 2019 (Trial No. 25 of 2019) under Sections
414, 420, 406, 379, 411 and 34 of the Indian Penal Code and
Sections 8 (c) (b), 20 (b) (ii) (B) of the Narcotic Drugs and
Psychotropic Substances Act, 1985 (*in short the N.D.P.S. Act*),
whereby the truck of the petitioner, bearing Registration No.
WB23D-7262, Engine No. 61E63519205 and Chassis No.



MAT448037GLE2941, has not been released in his favour.

3. It has been submitted on behalf of the petitioner that his truck, referred to above, was seized by the authorities concerned on account of the fact that 3.10 Kg. of *Ganja*, kept in a school bag, was recovered from the said truck.

4. The learned counsel for the petitioner submits that the petitioner has challenged the impugned order on the ground that the same is illegal for the fact that the release of such vehicle should not be rejected in view of the observations made by the Hon'ble Supreme Court in the case of ***Sunder Bhai Amba Lal Desai Vs. The State of Gujarat & Ors.***, reported in ***2002 (10) SCC 29***.

5. Mr. Zainul Abedin, the learned Addl. Public Prosecutor for the State, has submitted that he has brought on record the fact by way of counter affidavit that no confiscation proceeding under the N.D.P.S. Act has been initiated for the confiscation of the vehicle in question.

6. In view of the aforesaid submissions and taking into account the background facts of the present case as also the law laid down by the Hon'ble Supreme Court in the case of ***Sunder Bhai Amba Lal Desai*** (supra), the present application stands allowed.



7. The vehicle in question, bearing Registration No. WB23D-7262, Engine No. 61E63519205 and Chassis No. MAT448037GLE2941, is directed to be released in favour of the petitioner on his furnishing surety of Rs. 5,00,000/- with a condition that the same shall not be sold by him during the pendency of the criminal proceedings arising out of Sidhwaliya P.S. Case No. 203 of 2019 (Trial No. 25 of 2019).

8. The petitioner shall have the liberty to approach the learned Trial Court, in case he finds that the keeping of the vehicle would ultimately lead to losses and, therefore, he can file an application seeking permission to sell the said vehicle.

9. With the aforesaid observation/direction, the application stands allowed and the order impugned in the present petition, dated 29.04.2024, referred to above, is, hereby, quashed.

(Sourendra Pandey, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.02.2026
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