

In the Court of Addl. Sessions Judge- I-Cum Special Judge NDPS

Vaishali at Hajipur,

Hajipur Sadar P.S.Case No.- 203/23

NDPS(GR)-23/2023

Order

09.01.2024 Later on,

The petition dated 08.11.2023 for release of vehicle bearing registration no. BR-31-AQ-9296, has been filed on behalf of petitioner Amod Kumar Singh, S/o Kameshwar Kumar Singh. The vehicle bearing aforesaid registration number and having Chasis No. MD634AE87M2F09966, Engine No. AE8FM2309919 has been seized by police in connection with aforesaid case.

Learned Counsel for petitioner submitted that the petitioner is the owner of aforesaid vehicle having registration no. BR-31-AQ-9296 which has illegally been seized without any concern or involvement of the same into the occurrence. It is further submitted that the vehicle of petitioner has been kept under open sky and the same is decaying under coercive forces of nature. It is therefore prayed that the petition so filed on behalf of petitioner be allowed.

Learned Special Public Prosecutor opposed the petition.

Heard the parties and perused the record. The allegation in the matter is that from the vehicle bearing registration no. BR-31-AQ-9296 total 10 kg ganja was recovered from two bundles of 5 kg each. The petitioner prayed the release of vehicle having aforesaid description. The police report has come and it has been submitted that the seized vehicle belongs to petitioner and the registration of said vehicle is in the name of Amod Kumar Singh, S/o Kameshwar Kumar Singh. The

I.O has no objection to release the vehicle in favour of petitioner. Considering the submission this court is inclined to release the vehicle so prayed to be released by petitioner. Accordingly, it is ordered that the release of vehicle is allowed upon production of documents of ownership supporting the claim of petitioner together with indemnity bond of Rs. 1,00,000/- with one sureties of immovable property situating within the jurisdiction of this court. The petitioner is also directed to file an undertaking :-

- (i) That the vehicle in question will not be involved in any offence.
- (ii) That the petitioner shall not indulge in creating any third party right or interest in respect of the articles during the pendency of proceeding and shall not alienate the articles during this period and petitioner shall not change the physical features of the released vehicle.

Addl. Sessions Judge-I-Cum
Special Judge, NDPS Vaishali at Hajipur.
09.01.2024