



Order Below Exh.27 in Spl. Case No.183/2024

1. Application is filed by Gopal Ganeshram Shivhare for de-sealing his godown which is sealed by the Directorate of Revenue Intelligence, Mumbai Zonal Unit, Mumbai (in short “DRI”).
2. My Ld. Predecessor had call say upon the application. Say is filed at Exh.33.
3. Heard.
4. Ld. Advocate for Applicant submitted that accused had approached to Applicant for providing godown on rental basis. Accused had taken one godown of brother of Applicant on leave & license therefore, applicant had given his godown to accused on leave & license. Applicant is lawful owner. Sealing of godown has caused hurdship to applicant. No purpose will serve by keeping godown sealing for long period. Applicant is suffering losses therefore; direction be given for de-sealing godown and for handing over vacant possession.
5. Ld. Special P.P Mr. P.V. Mhatre & Intelligence officer of DRI, submitted that in the godown of applicant contraband was stored by drug syndicate. Accused were using that godown for concealment & segregation of contraband. It is crucial to maintain the seal of godown to preserve potential evidence and prevent any interference with the legal process.



6. Perused charge-sheet & document placed on record by the Applicant.
7. In present matter, Accused No. 1 to 4 are alleged to have committed offence punishable u/s.21, 23, 27A, 28, 29 & 30 r/w 8(c) of the NDPS Act, 1985. Some consignment was imported by M/s. Sandu Export & upon examination of containers by DRI, Mumbai 293.81 kg heroin was recovered. After investigation accused were arrested and during their custody it was disclosed that some contraband is kept in the godown of the applicant.
8. Thereafter applicant was summoned & questioned by DRI. During interrogation, applicant could not produce the leave & license agreement. Godown of applicant was searched and some contraband was found in some bags. DRI then sealed the godown of applicant.
9. As per applicant, he is owner of the godown. He has produced on record photocopy of Sale deed, release deed, rent agreement, Aadhar Card, Pan Card & photographs of the godown. Documents produced by applicant confirms statement of applicant about his ownership. These documents show that in the year 2021 godown was given on rent to accused Manjeet Singh.
10. It is not disputed by applicant that godown was given on rent & contraband was kept by the accused in that godown. It is not case of DRI that contraband is kept in the godown with permission of applicant. Applicant is not an accused in the



crime. Godown of applicant is sealed during investigation and seized contraband along with other goods has been kept in the godown by DRI as evidence.

11. Now question arise whether DRI can keep godown sealed for indefinite period or till conclusion of trial at the cost of applicant. Here it is necessary to consider that godown was given by applicant on rent with a view to earn income. As godown is sealed, applicant has lost income from property. Concerned officer of DRI and Ld. Spl. P.P were asked whether they are ready to pay the rent of the godown if DRI intends to continue godown sealed for reason that evidence of offence is kept in the godown by DRI.
12. From statements of concerned officer of DRI & Ld. Spl. P. P, it becomes clear that DRI is not ready to pay the rent. I am of the view that DRI cannot keep the godown sealed at the cost of applicant for purpose of preserving its evidence. If DRI is permitted to continue the godown in sealed condition for preserving evidence then definitely applicant will suffer loss of income from the said property which will cause injustice to the applicant. DRI can remove the muddemal/property from the godown of applicant and keep it in safe custody in Malkhana of the DRI. For these reasons, I am of the view that in the interest of justice de-sealing of godown is necessary. As a result, I pass following order.

:: ORDER ::

1. Godown/ shop admeasuring about 1000 sq.ft. (25 ft. x 40 ft.) on ground floor lying & situated at Rai



Road, Jagatpur, Village Kolaras, Tahsil- Kolaras, Dist.- Shivpuri, Madhya Pradesh of applicant sealed by DRI, Mumbai Zonal Unit, Mumbai be de-sealed within 30 days after passing of this order.

2. If aforesaid godown is not de-sealed by DRI then after expiry of thirty days from the date of order, DRI shall pay rent of Rs.15,000/- per month to applicant for use of godown for preserving evidence of crime in godown.
3. After de-sealing of godown, DRI shall take seized muddemal/property in its custody & shall hand over vacant possession of godown to applicant.
4. Issue letter to DRI informing about this order.

(Application is disposed of accordingly).

Panvel.

Date: - 15/06/2024

(S. C. Shinde)
Addl. Sessions Judge
Panvel, Dist.-Raigad