

ORDER SHEET

District : EAST KHASI HILLS
In the Court of : SPECIAL JUDGE (NDPS), SHILLONG
Present : SMTI E. SHABONG
Case No. : Crl Misc Application No. 8 (H)2026
NDPS Case No. 24 of 2023

Date of Order of proceeding	ORDER	Signature of Court
22.01.2026	CR put up before me. 1. The instant case is put up for orders today. 2. The submission of the Ld. Counsel for the petitioner Shri. R. Sharon amongst others, are that the Ford Eco Sport vehicle number AS 01 BW 0309 was released on zimma vide order dated 09.07.2024 in which one of the conditions is that the petitioner shall execute zimma bond by depositing cash bond of Rs. 5,00,000/- only. It is the submission of the Ld. Counsel that the said condition be altered so that the petitioner be allowed to deposit 1,00,000/- cash bond in lieu of Rs. 5,00,000/- as depositing of cash amount of Rs. 5,00,000/- is beyond the capacity of the petitioner. It is the submission that the petitioner is unemployed, hailing from a poor family, does not have any independent source of income and petitioner has been facing great financial hardship since the time his vehicle was seized by the DRI. It is the submission that the vehicle is a second hand vehicle which was purchased by the petitioner for the purpose of transporting the school children at Senapati District on monthly hiring basis as there is no availability of local taxi or city bus in Senapati District. It is the submission that the vehicle was seized by the DRI at Shillong on 17.01.2023 on being driven by the accused Paojangul Kipgen alleging that contraband was seized from the said vehicle. It is the submission that keeping the said vehicle in the continued custody of the DRI for a long time would cause latent and patent defects and the vehicle would get damaged if left unused for many years. It is the prayer in the instant case to alter the cash bond amount of Rs. 5,00,000/- to Rs. 1,00,000/- to enable the petitioner to obtain the vehicle from the office of DRI and to resume his business of transporting school children at Senapati District Manipur 3. The submission of Ld. Counsel Shri. D. Choudhury for DRI is that , the petitioner may not be directed to deposit cash amount of Rs. 5,00,000/- or Rs. 1,00,000/- as a condition for the purpose of obtaining the said vehicle which has been released on zimmanama and instead the petitioner be directed to furnish security bond for making the vehicle	

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	available for confiscation purposes, if required, with an undertaking to forfeit the amount of Rs. 5,00,000/- on failure to do so. 4. Having heard both Ld. Counsels, this court, keeping in mind, submissions on behalf of the prosecution is of the opinion to direct as follows- • Petitioner to comply with the zimma conditions no. 2, 3 and 4 in order dated 09.07.2024 in Crl. Misc Zimma Application No. 30 (H) 2024 pertaining to said Ford Eco Sport vehicle number AS 01 BW 0309 which has been released to the petitioner, pending disposal of the case, vide said order 09.07.2024 in Crl. Misc Zimma Application No. 30 (H) 2024. • Petitioner to undertake to produce and deliver the said vehicle, to the Investigating Agency pursuant to any action taken in accordance with law including confiscation under the NDPS Act and rules once the said vehicle is so required for such purpose. • Petitioner to furnish security bond for making the vehicle available for confiscation purposes, with an undertaking to forfeit the amount of Rs. 5,00,000/- on failure to do so. 5. IO to prepare proper panchnama, take photographs/videographs of the said vehicle bearing No. AS 01 BW 0309 (including chassis No. and Engine No.) released on zimmanama (order dated 09.07.2024 in Crl. Misc Zimma Applicaiton No. 30 (H) 2024), before it is handed over to the executants of the zimmanama. 6. Prayer of petitioner in the instant case is allowed to the extent as directed herein above. 7. Crl. Misc Application No. 8 (H) 2026 stand disposed of. 8. PI to furnish a copy of this order to IO. 9. Send back case record.	Special Judge (NDPS)
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