

In the Court of the Judge (Special Court) under NDPS Act, Siliguri

CR (NDPS) Case No. 41 of 2021

Later, Order no. 17, Dated 10/12/2021

A report is received from the I.O. SI Basudeb Guha of Matigara P.S.

Ld. Lawyer for the petitioner Rajkumar Bhujel and Ld. Special P.P.-in-Charge are present on call.

A supplementary, valuation, report is received from the IO stating the value of the seized vehicle no. SK-01T-7826, to be Rs. 1,50,000/-.

Perused the case record and the I.O.'s report submitted this day and also the earlier one.

It appears from the two reports with regard to seized vehicle Maruti Alto car vide registration No. SK-01T-7826, of SI Basudeb Guha of Matigara P.S. has verified the ownership of Maruti Alto car vide registration No. SK-01T-7826 and as per his report, one Leela Thapa, w/o. Dil Bahadur Thapa of West Pendong, Rongpo, Sikkim, is the owner of the seized Maruti Alto car vide registration No. SK-01T-7826 and one Raj Kumar Bhujal, S/o. Karna Bahadur Bhujel of Rongpo Nagar Panchayet, Upper Rongpo Bazar, PO and PS Rongpo, Dist. East Sikkim, is the power of attorney holder of this vehicle. It further appears from the report that the IO has no objection if the seized vehicle returned to the registered owner or its power of attorney holder. The report reveals the value of the seized vehicle to be Rs. 1,50,000/-.

Though charge sheet in this case has not been submitted, but the investigation in this case has proceeded sufficiently. Considering the materials on record and in view of the decision of the Hon'ble High Court in CRR 382 of 2018 in Waish Ahmad vs. State of West Bengal and CRR 1152 of 2015 in Ainul Haque vs State of West Bengal the prayer is allowed.

Accordingly, let the seized Maruti Alto car vide registration No. SK-01T-7826 be returned to Sri Raj Kumar Bhujal, S/o. Karna Bahadur Bhujel of Rongpo Nagar Panchayet, Upper Rongpo Bazar, PO and PS Rongpo, Dist. East Sikkim, after proper verification and receipt on following conditions:-

1. The petitioner / owner shall furnish bank guarantee of rupees 1,50,000 before this Court.

2. The petitioner shall produce the seized vehicle before this court as and when called for during the trial and also during the confiscation proceeding, if any such proceeding is initiated.

3. To facilitate the production of the seized vehicle before this Court as and when called for, the seized vehicle shall not leave the State of West Bengal, till the conclusion of trial and confiscation proceeding, if any such proceeding is initiated, without prior permission of the trial court.

4. The petitioner/owner shall not alienate the seized vehicle or change its nature and character during the pendency of the case.

5. The seized vehicle shall not be used for commission of any offence.

The bank guarantee be submitted be the O.C/IO. Matigara P.S. who will act upon after verifying the same and then submit the same before this Court.

Send a copy of this order to the O.C/I.O. SI Basudeb Guha of Matigara P.S. for information and necessary action.

To date.

D/c by me

Sd/-

Judge, Special Court
NDPS Act, Siliguri

Sd/-

Judge, Special Court
NDPS Act, Siliguri

WB00683