

CNR No. WBDJ070001522022

JO Code : WB00682

Special NDPS Case No. 4/2022

Order No. 8

Dated 08.06.2023

Report is received from the S.I. T.T. Bhutia regarding the return of seized vehicle. Let it be kept with the case record.

Prosecution files hazira.

Heard the petition filed by the petitioner Smith Shaha praying for getting back the seized Scooty bearing Regd. No. WB-74AU/3201 in presence of Ld. advocate for the petitioner and the Ld. Additional P.P.

Seen the petition, perused the report submitted by the I.O. and considered.

It is found from the report submitted by the I.O. that the process for confiscation of the seized scooty is being initiated. If the scooty bearing Regd. No. WB-74AU/3201 is released the accused and their racket members will again use this scooty for drugs peddling and trafficking of contraband drugs and psychotropic substances. Hence, the I.O. has strong objection to return the seized scooty bearing Regd. No. WB-74AU/3201.

Having heard the submissions of the Ld. advocate for the petitioner and the Ld. Additional P.P., I find that the petitioner Smith Saha has not produced any documents before this court to come to a finding that he is the registered owner of the seized scooty bearing Regd. No. WB-74AU/3201 and he has also not filed any other document such as Tax receipt, Pollution certificate, Insurance Policy etc. for return of the seized vehicle in his favour.

Considering the above, as no such documents has been filed by the petitioner such as registration certificate of the said seized scooty and other necessary document as such this court is unable to pass an order regarding the release of the said seized scooty in favour of the petitioner. Petition filed by the petitioner praying for getting back the seized scooty does not deserve to be allowed.

Hence, it is

ORDERED

that the petition filed by the petitioner praying for releasing the said seized scooty bearing Regd. No. WB-74AU/3201 be and the same is considered and rejected on contest.

Thus this petition filed by the petitioner hereby stands disposed of.

To date (02.08.2023) for evidence.

D&C by me

Sd/-

Judge, Special Court (NDPS)

Kalimpong

Sd/-

Judge, Special Court (NDPS)

Kalimpong