

JOCODE WB00683
C.R.(NDPS) 01 OF 2022(CIS NO. 01 OF 2022)

Order No. 26, Dated 07-12-2023

Today is fixed for report.

A further report with regard to valuation, ownership is received from P.S.I. William Ekka of Naxalbari P.S. stating the value of the seized vehicle vide registration No. WB-74-AX-0056 to be Rs. 40,000/- to Rs. 45,000/- and Sri Shiv Shankar Majumdar, S/o. Sahadeb Majumdar of Nutan Para, Jalpaimore, Siliguri Bazar, Siliguri (M. Corp), Darjeeling 734005 is the registered owner of seized vehicle as per his inquiry. I.O. also raises no objection with regard to release of the seized vehicle.

Ld. Lawyer for the petitioner and Ld. Special P.P.-in-charge are present on call.

Ld. Lawyer for the petitioner prays for passing an order for returning of the vehicle.

Ld. P.P. in charge prays for passing necessary order.

Perused the case record and the I.O.'s reports dt. 28.08.2023 & 07.12.2023.

Trial in this case is still to begin and is likely to take some time before it is finally disposed of. In the meanwhile the said vehicle is likely to be depreciated and damaged without being used. Considering this, the materials on record and in view of the decision of the Hon'ble High Court in CRR 382 of 2018 in Waish Ahmed 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 vehicle vide registration No. WB-74-AX-0056 be returned to the petitioner, Sri Shiv Shankar Majumdar after proper verification and receipt of following conditions :-

1. The petitioner/owner shall furnish cash security of Rs. 45,000/-.
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.

Send a copy of this order to the O.C./I.O. P.S.I. William Ekka of Naxalbari P.S. for information and necessary action.

To date(16.02.2024).

D/c by me

Sd/-

Judge, Special Court
NDPS Act, Siliguri

Sd/-

Judge, Special Court
NDPS Act, Siliguri