

CIS No. NDPS 41/2021

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

CR (NDPS) Case No. 41 of 2021

Order no. 19, Dated 02/03/2022

All the three accused persons on court bail are present on call and file their respective haziras.

A petition is filed on behalf of the the petitioner Raj Kumar Bhujel for modification of order passed by this Court vide order no. 18 dt. 10.12.2021 with regard to release of his seized vehicle. Copy served.

Ld. Lawyer for the petitioner submits that the petitioner is unable to furnish bank guarantee as per the order of this Court due to financial weakness of the petitioner. He prays for reducing the amount of bank guarantee. In reply Ld. PP-in-Charge raises objection.

Heard both sides.

Perused the petition and the case record.

As per the case record the contraband was found hidden inside a tool box of Maruti Alto vehicle seized in this case. Meaning the vehicle was used for carrying the contraband. And as per Section 60(3) of the NDPS Act a vehicle used for carrying a contraband is liable to be confiscation. But still in view of the decision of the Hon'ble High Court, Calcutta, the petitioner has been permitted to take possession of the vehicle by furnishing bank guarantee of the value equivalent to present value of the vehicle. Thus, there is no scope to lower the value of the bank guarantee. Considering the entire facts and circumstances, of this case and gravity of the offence alleged. Thus, the petition stands rejected.

Case is adjourned.

To 18.05.2022 for appearance and I.O.'s report.

D/c by me

Sd/-

Judge, Special Court
NDPS Act, Siliguri

Sd/-

Judge, Special Court
NDPS Act, Siliguri
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