

**JOCODE WB00683**  
**C.R.(NDPS) 43 of 2023(CIS NO. 43 OF 2023)**

**Order No. 07, dated 16-12-2023**

Both the accused persons on bail namely, **1. Alamgir Ansari** and **2. Fekan Momin** are present on call and also file hazira.

Ld. Lawyer for the accused persons and Ld. P.P. in charge are present on call.

Two separate petitions are filed on behalf of petitioners / accused persons namely 1. Alamgir Ansari and 2. Fekan Momin praying for calling for report with regard to seized two mobile phones, PAN card and ATM card. But it appears from the seizure list that there is not mentioned about ATM card and the IMEI number of Redmi Android Phone is not matched, as given in their petitions. Hence, the petitions are rejected with a liberty to file afresh.

One another petition is filed by the Ld. Advocate on behalf of these accused persons praying for waiving the condition of bail order dt. 27.07.2023. Copy is served.

Heard both sides.

Perused the petition and the case record. Considered.

Since the investigation in this case seems to have proceeded to sufficient extent, the petition for waiving the condition of bail order dt. 27.07.2023 is allowed in part with a direction to meet the I.O. of this case on every Monday, in stead of two days of week and the rest conditions of bail order dt. 27.07.2023 remains as it is.

A report is received stating value of the vehicle vide registration number WB-74-BF-1534. It also appears that SI Paresh Barman of Matigara PS has verified the ownership with regard to the said vehicle, as per which Md. Alamgir Ansari presently residing at Tari Jote, New Rongia, Shivmandir, P.S. Matigara, is a registered owner and the value of the seized vehicle vide registration No. WB-74-BF-1534 to be Rs. 55,000/- to Rs. 60,000/-.

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 report dt. 16.12.2023.

Though charge sheet in this case has not been submitted, but the investigation in this case has proceeded sufficiently. 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-BF-1534 be returned to the petitioner, Md. Alamgir Ansari after proper verification and receipt of following conditions :-

1. The petitioner/owner shall furnish cash security of Rs. 60,000/-.
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. SI Paresh Barman of Matigara P.S. for information and necessary action.

Fix **08.02.2024** 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