

JOCODE WB00683
CIS NO.18 OF 2022
C.R.NDPS CASE NO.18 OF 2022

Order No.29 dated 04-03-2023

Today is fixed for report and report is received.

A report with regard to valuation and ownership is received from the I.O.,SI Pradip Roy of Kharibari P.S. stating the value of the seized vehicle having registration WB-74AW-2968 to be Rs.6,00,000/- (Six lakhs) only and that on inquiry one Dulal Barman son of Dogdhu Barman of Charna Jote, PO: Dulal Jote, PS; Kharibari, District – Darjeeling in the State of West Bengal is the registered owner of the vehicle. The I.O. has expressed his objection if the said vehicle be released.

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

Perused the case record and the I.O.'s report.

The charge sheet has been filed in this case. Considering 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 – Versus- State of West Bengal the prayer is **allowed**.

Accordingly, let the seized vehicle i.e. seized vehicle having registration WB-74AW-2968 be returned to the petitioner, Dulal Barman son of Dogdhu Barman of Charna Jote, PO: Dulal Jote, PS; Kharibari, District – Darjeeling in the State of West Bengal after proper verification and receipt of following conditions :-

1. The petitioner/owner shall furnish **bank guarantee/cash security of Rs.6,00,000/-** 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/cash security money receipt be submitted to the O.C./I.O./ SI Pradip Roy of Kharibari P.S. who will act upon after verifying the same and then submit the same before this court along with the report.

Send a copy of this order to the Ld. ACJM, Siliguri and O.C./I.O./ SI Pradip Roy of Kharibari P.S. for information and necessary action.

To date.

D/c, by me,

Judge,Spl.Court,Under NDPS Act,

Judge, Special Court,
Under NDPS Act,
Siliguri.

