

JO CODE WB00753
C.R.(NDPS) No. 122/25 (CIS No- 122/25)

Order no.18

Dated- 04.05.2026

Today is fixed for production and passing necessary order regarding the release of seized vehicle (Trailer).

The instant case record is fixed for passing the necessary order in pursuance of a contested hearing regarding release of the seized Trailer No. NL-01-AG/4344.

Ld. Advocate for the accused prayed for release of the seized vehicle as above vide seizure list dtd. 16.09.2025 on imposing suitable conditions. Charge sheet has been submitted in this case on 13.02.2026 and there is no reason and basis why the seized Trailer be kept under the open sky at the PS premises to suffer inevitable wear and tear diminishing its value day after day. The petitioner constituted attorney Umapati Chowdhury has produced sufficient documents in support of his claim for return of the seized Trailer. They have further submitted one RTO certificate duly sealed and signed by the ARTO, Kohima (Nagaland State) on affidavit. He is the husband of the registered owner Chandrawati Devi. There is no basis why the IO has raised objection regarding the vehicle release. In support of his submission the case decisions of *Sunder Bhai Ambala Desai Vs. State of Gujarat* (2022 Supp (3) SCR 39) and *Moumita Saha Vs. State of West Bengal*, 2023 SCC OnLine Cal 1094 are relied upon. The vehicle should be released with conditions.

Ld. PP in charge raising objection submits that the seized vehicle was used for the trafficking of the seized contrabands ganja by the accused person and in which their nexus with the petitioner Umapati Chowdhury cannot be over ruled. The offence on hand is no doubt grave in nature affecting society at large. Submission of charge sheet is of no help to the petitioner for the return of the vehicle. This vehicle was not registered with ARTO, Siliguri. However, as per report dated 18.02.2026, the ownership of the vehicle stands in the name of said Chandrawati Devi.

I have considered the report of the IO dtd. 18.02.2026 wherein the ownership of the seized Trailer with Chandrawati Devi stood confirmed. It is reaffirmed by the RTO, Kohima in verification report vide Memo no.RTO-K/VER/2017/3025 dtd. 23.01.2026 and attached with M.V. Department, Govt. of Nagaland vehicle particulars. The side of the petitioner has also filed series of documents showing the ownership of the seized Trailer with his wife Chandrawati Devi.

I find no any appropriate reason and basis to refuse the return of the vehicle to the petitioner husband of the owner.

From the Aadhaar card of the petitioner Umapati Chowdhury and other connected documents, his identity is beyond any doubt. The General Power Attorney (photocopy) filed is also perused by me. The police report reflects the valuation of the seized vehicle is Rs.21.27 lacs. In pursuance of the guidelines of the Hon'ble Supreme Court in *Sunder Bhai* (Supra) and the Hon'ble High

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Court in *Moumita Saha* (Supra), the vehicle should be released in favour of the petitioner Umapati Chowdhury with conditions as under.

Accordingly, **Ordered** that the petition for release of seized Tractor No. NL-01-AG/4344 (TATA Signa) is **allowed** on contest.

The petitioner attorney holder and Chandrawati Devi are granted interim custody of the seized Tractor No. NL-01-AG/4344 (TATA Signa) on furnishing cash security undertaking of Rs.10 lacs with conditions upon **both of them** as enumerated below:

- not to change the nature and character of the tractor,
- not to transfer or sell the same or part with the ownership of the tractor till conclusion of the trial,
- the vehicle shall not be used for the commission of any offence,
- the petitioner and the owner are subjected to appearance before this Ld. Court as and when called for till the conclusion of trial or till confiscation proceedings, if initiated,
- that the petitioner and the owner shall surrender the vehicle within clear seven days of such direction of the learned Court and if not, shall pay the prevalent market value of the tractor.

The I.O. shall release the seized tractor on receipt of this order after preparing a video and still photographs (panchanama) of the vehicle and after obtaining all documents necessary for identification of the vehicle, which shall be authenticated by the I.O. and the petitioner and owner respectively signing the same. The photographs from all sides of vehicle, video, and documents should be kept preserved in the CD of the case for future reference and use by the learned Court.

Let a copy of this order be sent to the O/C, Phansidewa PS for information and compliance.

To **12.06.2026** for physical production, copy supply and report regarding release of the tractor on receipt of this order copy.

Typed at my dictation

Sd/-
Judge, Special Court
(NDPS), Siliguri

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Judge, Special Court
(NDPS), Siliguri