

**Order no 38 dated 13-3-2026**

Today is fixed for hearing upon the petition filed by Santosh Sahoo seeking return of the seized vehicle bearing registration number OD09R7867.

Ld Advocate for the petitioner Santosh Sahoo is present.

Ld Special PP is also present.

Ld. P.O is leave on SIR duty as per direction of Hon'ble Apex Court.

Ld. ADJ, FTC-II, Howrah is incharge.

Now the record is taken up for hearing.

The facts of the case, in a nutshell is that on 09-01-20-23 a specific information was received by the NCB that three persons namely SK Rajesh, Md Shamim Ahmed and Janak Kumar Sahoo would be coming from Orissa in two cars ( including the same in respect of which the present pryar has been preferred) carrying huge quantity of ganja. Such vehicles were intercepted at Amta More Bus stand and on opening the boot of such vehicle, 28 various coloured polythene packets were found inside two gunny bags and all such was found to contain ganja. Such was weighed and such consolidated to 28 kgs of ganja. The petitioner/ accused Santosh Sahoo was examined under section 67(c) of the NDPS Act and wherein he had admitted his involvement. Thereafter the instant case emanated. Charges were framed and the trial commenced and thereafter during the course of trial, the present petition under consideration was filed.

It appears that since the date of seizure being 09-01-2024 the white coloured Ranault KWID bearing registration number OD 9R 7867 is lying in custody of the NCB. A report was called for from the NCB and such was furnished stating that such vehicle was owned by the petitioner Santosh Sahoo. Objection was raised to the prayer for return on ground that such vehicle may be used for similar offence, that such vehicle may be alienated leading to loss of material evidence.

As regards the objection that the vehicle may be used for similar offence, such cannot be regarded as a cogent ground to refuse the prayer and aid further depreciation of such vehicle which might have been subjected to thye vagaries of nature all throughout the years since it being seized. Furthermore, as regards the second line of objection, if this Court passes stringent conditions on fulfillment of which, the petitioner would get interim custody of the seized vehicle, no prejudice shall be caused to the trial. I have perused the entire record and it appears that no petition of similar nature was preferred earlier by the petitioner Santosh Sahoo.

Ld Advocate for the petitioner relied upon the judgment as passed by the Hon'ble Supreme Court of India in the case of Sunderbhai Ambala Desai vs Sate of Gujrat and ascertained that no fruitful purpose shall be served by detaining such vehicle. I have respectfully perused such a citation and it appears that the Hon'ble Supreme Court of India had taken into consideration the fact that a number of vehicles are generally kept unattended after seizure and such vehicles become junk day by day. Ld. Ld. Advocate for the petitioner had also relied upon a judgment passed by the Hon'ble Supreme Court of India in the case of Tarun Kumar Majhi vs State of West Bengal. I have also respectfully perused such and it appears that the Hon'ble Supreme Court of India was pleased to hold that the vehicle seized under NDPS Act can be confiscated by the Trial Court on conclusion of trial. The Hon'ble Apex Court was also pleased to hold that there was no specific bar/restriction under the

NDPS Act for release in the interim of any seized vehicle. Therefore, it appears that there is no bar to allow such prayer for return.

Hence, it is hereby

**ORDERED**

that the seized vehicle bearing no. OD09R-7867 be handed over to the petitioner Santosh Sahoo on interim Zimma on furnishing an interim zimma bond of Rs.7,00,000/- (Rupees seven lacs) and on further condition that I) the petitioner shall not allineate or alter the colour of the vehicle II) that the petitioner shall not use such vehicle for the commission of any offence III) that the petitioner shall produce the vehicle before this court at his own cost as and when called upon to do so.

Following satisfaction of such conditions, photographs of the vehicle shall be taken and signed by the petitioner and also competent personnel of NCB and such shall be placed on record.

The petition seeking return of the seized vehicle stands accordingly disposed off.

Copy of the order be sent to the I/O of this instant case.

To date i.e. 14.07.2026 for appearance and further cross examination of PW-2.

Dictated & Corrected by me  
Judge Special Court under  
NDPS Act Howrah  
(Incharge)

Judge Special Court under  
NDPS Act, Howrah  
(Incharge)