

**JO Code No. WB00910**  
**NDPS Case No. 02 of 2025**  
**CNR No. WBHW01-001930-2025**

**Order No. 21 dated: 06.12.2025.**

Today is fixed for hearing of the vehicle return petition as filed by the petitioner Smt. Priya Das.

I/O submitted a report against the petition for release of the vehicle bearing registration No. WB02AH-8176 in respect of the prayer of the petitioner for return of the seized vehicle.

Ld. Advocate of the petitioner is present and submitted before this court that present petitioner is registered owner of the vehicle and she is the wife of accused Biswajit Das and submitted that the purchase money of the said vehicle has no way connected with the above mentioned case and the petitioner has purchased it from her other source of income.

This petition dated 29.11.2025 is supported with affidavit of the petitioner/owner.

Today Ld. Special P.P. for NCB filed another report of the I/O raising voice of objection against the return of seized vehicle and submitted that the plea of lack of knowledge of the petitioner alone is insufficient, unless supported by proof of reasonable preventive measures which the petitioner has failed to demonstrate.

Ld. Special P.P. for NCB further submitted that judicial precedent has consistently upheld that private contractual obligations between a borrower and a bank can not override or dilute the confiscation provisions under Section 60 of NDPS Act once a vehicle is found involved in transportation of narcotics and accordingly prays for rejection of the petition filed by the petitioner Smt. Priya Das seeking return of the seized vehicle.

Heard both sides.

Let me peruse the petition of return of seized vehicle as filed by the petitioner Smt. Priya Das supported with affidavit.

From the facts of the petition and the documents submitted, I find that the petitioner Smt. Priya Das who is the wife of the accused Biswajit Das is the owner of the seized vehicle bearing registration No. WB02AH-8176. The vehicle is a private vehicle. There is no such averment to the effect that there is any contractual obligations exists in between the present petitioner as borrower and any financial institution.

In the judgement of **Biswajit Dey vs State of Assam (2005) 3 SCC 241**, Hon'ble Supreme Court of India clearly established and observed that the vehicle seized under the NDPS Act can still get interim release, balancing drug lawenforcement with innocent owner's right, specially if the owner proves no knowledge or connivance.

In the instant case, present petitioner is the wife of the accused. I do not find any statement of facts supported with affidavit in the petition of the petitioner that she has

had no knowledge or connivance in the alleged transactions of offence committed by her husband with the help of the seized vehicle.

I do not find any such averments of facts on the part of the petitioner that the accused/husband of the petitioner used the seized vehicle without her knowledge or connivance and she had taken all reasonable precautions against such use of the seized vehicle by the accused/husband.

As per provision of this Act a seized vehicle under NDPS Act can be confiscated by the trial court on conclusion of trial when the accused is convicted or acquitted or discharged by giving an opportunity of hearing to the person who may claim his right to the seized vehicle before passing an order of confiscation.

Therefore, having considered the ratio of the judgment reported in **Biswajit Dey vs State of Assam (2005) 3 SCC 241** and the present facts and circumstances and the relation of the petitioner with the accused as being spouse and above discussions in the body of the order the prayer for return of the seized vehicle bearing registration No. WB02AH-8176 by the petitioner namely Smt. Priya Das is hereby rejected.

Todate (07.01.2026)

Judge, Spl Court under NDPS Act,

Dict & corrected by me

Judge, Spl Court under  
NDPS Act, Howrah.