

JO Code No.WB00885
T R Case No. 19 /2023

Order No. 22 Dated : 18-10-2023.

The record is put up by petition filed on behalf of one Riya Dholey, said to be the registered owner of seized vehicle bearing registration No. WB 95/6234, praying for modification of the condition laid down by way of order dated 16-10-2023, regarding production of the owner's manual as well as another similar application for modification of condition No.V, as regards transfer of possession of the seized vehicle, undertaking that she would take full liability of any offence in respect of the seized car, in future.

Perused the application as well as other materials on record.

Heard the Ld. Counsel for the petitioner.

The I/O has submitted report categorically stated that Riya Dholey is in fact registered owner of seized Maruti vehicle bearing registration No. WB 95/6234. So far as the prayer for modification of the two conditions of bail are concerned, the first condition regarding production of copy of the owner's manual is formal in nature and may be dispensed with. So far as the second condition is concerned, regarding transfer of possession of the seized vehicle, the said vehicle is apparently the sole medium of income of the petitioner and not allowing her to let out the same on hire basis, by employing a driver, would be extremely harsh. As such, the condition regarding non-transfer of possession of the seized vehicle can be modified to the extent that the registered owner shall not transfer possession of the seized vehicle, except for the purpose of letting out the same on hire by employing a duly authorized driver. Thus, the conditions for intermediate custody of the seized vehicle is modified and are refreshed as under :

The petitioner Riya Dholey shall get intermediate custody of the seized vehicle bearing registration No. WB 95/6234, after proper verification and identification, upon furnishing a bond of Rs.10,00,000/- with further conditions, namely :

i) The petitioner shall produced the copy of the registration certificate, insurance policy, driving licence, pollution certification, Form-IV Part -B and the fitness certificate before the I/O, which shall be verified properly and attested copy thereof shall be retained by the I/O for the purpose of this case;

ii) The petitioner shall keep the vehicle insured at all times, till the conclusion of trial and produced the insurance certificate, as may be renewed from time to time, before this court, as and when required;

iii) The petitioner shall not change the colour or any part of the engine of chesis numbers of the vehicle in question;

iv) The petitioner shall furnish photographs of the vehicle in question prior to taking delivery of the same;

v) The petitioner shall not transfer of the ownership of the vehicle in favour of any other person;

vi) The petitioner shall not transfer the possession of the vehicle to any other person, except for the purpose of letting out the same on hire by employing a duly authorized driver and even then, the petitioner shall mention in her bond that she would take full responsibility for any such incident in the future;

vii) The petitioner shall produced the vehicle in question before the court, whenever called upon to do so;

viii) The petitioner shall not allow the vehicle to be used for commission of any offence;

The I/O is directed caused proper documentation in respect of papers submitted by the petitioner for securing intermediate custody for the seized vehicle bearing registration No. WB95/6234, so that the same can be used for the purpose of this case.

Let a copy of this order be sent to the I/O for information and taking necessary action.

To date.

Dictd. & Corrted. by me,

***Judge, Special Court,
under NDPS Act, Howrah.***

***Judge, Special Court,
Under NDPS Act, Howrah***