

N.D.P.S. Case No. 157/2017

Order No. 39, dated 03.04.2024.

Today is fixed for appearance of the Reporting Officer, namely SI Apurba Mondal, and hearing on the report dated 13.03.24.

Ld. P.P. in-charge and the Ld. Defence Counsel, both are present.

SI Apurba Mondal of Nabagram PS appears personally before the court with a fresh report regarding return of the seized vehicle.

The petition filed by the petitioner Md. Ulsad Ali praying for return of seized motorcycle bearing Reg. No. WB 58AJ/0814 is taken up for hearing.

Heard both sides including SI Apurba Mondal.

Perused the case record.

Considered.

This is a case u/S. 21(c)/29 of the NDPS Act. Previously IO raised objection regarding the return of the seized motorcycle on the ground that the said motorcycle was used to carry narcotic substance and that it may be used further for carrying of narcotic substance. But today the IO, SI Apurba Mandal, files report praying for no objection regarding return of the seized motorcycle as he has verified the ownership and found that the petitioner Md. Ulsad Ali is the registered owner of the motorcycle. It is true that the motorcycle has committed no offence, and it is also true that charge sheet has been submitted and accordingly investigation is over. Thus, in view of the report of the IO and finding no reason to detain the vehicle further, I am inclined to allow the prayer of the petitioner.

Accordingly, it is

ORDERED

that the prayer of the petitioner regarding return of the seized motorcycle is allowed.

Let the seized motorcycle bearing Reg. No. WB 58AJ/0814 be returned to the registered owner, namely Md. Ulsad Ali, on interim basis on furnishing a bond of Rs. 50,000/- on proper verification and identification by the I.O. and on condition that the petitioner shall not change the nature, colour and character of the said motorcycle till the disposal of the case and shall produce the same before the court as and when be called for.

Let a copy of this order be sent to the I.O. of this case for information and compliance.

To date (i.e. 02.08.24).

Dictated & corrected by me,

Judge.
(J.O. Code WB 00687)

ADJ, 2nd Court, Cum,
Judge, Special Court, N.D.P.S. Act,
Berhampore, Murshidabad.
(J.O. Code WB 00687)