

27.8.24

Accd Sabir Hossain Molla is produced from J.C.

No final report has been submitted.

At this stage one petition has been filed on behalf of one Momin Gazi along with a vakalatnama and photo copy of Aadhar card of petitioner.

Ld. Advocate for the petitioner Momin Gazi submits that petitioner is the registered owner of the seized vehicle bearing Regn No. W.B-16BA/6868 and in this facts & circumstances he prays for calling for a report from the concerned I.O regarding return of the seized vehicle.

Ld. P.P in-charge strongly opposes such prayer of the petitioner submitting inter-alia that under NDPS Act a vehicle which was apprehended with contraband substance cannot be returned at any stage.

On scrutiny of the materials on record it is found that in the instant case the allegation is that on 13.3.24 in the morning during Naka checking, one vehicle with Regn No. W.B-16-BA/6868 was apprehended by police personnel of Baruipur P.S on the ground of carrying contraband substance and it further appears that during checking some packets of narcotic substance was recovered from the back side seat cover of the aforesaid vehicle.

So considering the aforesaid allegation this court opines that the aforesaid vehicle from which contraband substance has been alleged to be recovered cannot be returned at this stage. Therefore, question of calling for I.O's report does not arise at all.

Accordingly, the prayer of the petitioner Momin Gazi regarding call for report as regards return of the seized vehicle from the concerned I.O stands rejected.

Fix 10.9.24 for production and I.O's report.

D/C by me.

Addl. Sessions Judge,
4th Court, Alipore.
(J.O.Code-WB00705).