

Spl. Elec.case no.442 of 2024
CNR No.WBUD01-004372-2024
JO CODE No.WB01460

Order No.09

11.06.2025

Case record is put up on the prayer of petitioner Dipankar Acharjee claiming to be the registered owner of the vehicle having registration No. WB 73E/6478.

The Ld. Advocate on behalf of the petitioner claiming to be the registered owner of the seized vehicle files a petition to return the said seized vehicle having registration no.WB 73E/6478 along with one notarized affidavit and declaration of the said petitioner annexing therewith original copies of bank guarantee of Rs.3,00,000/- dated 09.06.2025 of Central Bank of India, Bidhan Nagar Branch under Raiganj PS and also downloaded server copy of the Hon'ble Court's order dated 24.04.2025 passed in CRR 1576 of 2025. Copy served.

Ld. Counsels of both sides are present.

The petition is taken up for hearing.

Heard both sides. Perused the case record together with the said petition and the documents regarding bank guarantee dated 09.06.2025 and affidavit including declaration as filed on behalf of the petitioner.

It appears that vide order dated 03.01.2025 after hearing both sides and considering the report submitted by the I.O this Court passed the order to the effect that let the seized vehicle being truck bearing registration no. WB 73E/6478 together with its connected papers be returned to its registered owner qua the present petitioner on furnishing a Bank guarantee of Rs.5,00,000/- of any Nationalized Bank and on condition that he shall produce the same before this court as and when he be so directed during pending of this case at his own cost and on condition not to alienate, sell, mortgage, or not to change the nature, character and colour of the vehicle during pendency of the instant case without further order in this regard. Now on perusal of the Hon'ble Court's order dated 24.04.2025 passed in CRR 1576 of 2025, it appears that the Hon'ble Court has been pleased to pass the order "*In view of above and interest of justice, the amount of bank guarantee is reduced to Rs.3,00,000/-. The impugned order is modified only to this extent.*" This Court further finds that subject matter of said CRR 1576 of 2025 was related with the order dated 03.01.2025 of this Court and the Hon'ble Court vide order dated 24.04.2025 has been pleased to modify said order dated 03.01.2025 of this Court only to the extent by reducing the Bank guarantee of Rs.5,00,000/- of any Nationalized Bank the amount of Rs.3,00,000/- only and thus other conditions are remaining same.

Considering the aforesaid facts and circumstances together with the materials appearing on record in view of the order dated 24.04.2025 of the Hon'ble Court passed in CRR 1576 of 2025 this Court is inclined to allow the prayer of the petitioner regarding return of the seized vehicle bearing no. WB 73E/6478 to its registered owner being the petitioner herein conditionally as interim custody on his furnishing Bank guarantee of Rs.3,00,000/- only.

In view of the aforesaid facts and circumstances, Bank Guarantee vide reference No. 0096IBG25000001 dated 05.06.2025 is submitted today on behalf of the owner with a prayer for return of the seized truck in his favour. On minutely perusal of the Bank Guarantee submitted today, it appears that Bank Guarantee No. 0096IBG25000001 dated 05.06.2025 to the tune of Rs. 3,00,000/- has been furnished with original copy thereof of Central Bank of India bearing signature of Branch Manager, Central Bank of India, Bidhannagar Branch under Raiganj PS, Uttar Dinajpur with validity till 04.12.2026.

Accordingly, let the seized vehicle bearing registration no. WB 73E/6478 together with its connected papers be returned at the earliest to its registered owner qua the present petitioner on aforesaid furnished Bank guarantee of Rs.3,00,000/- of Central Bank of India, Bidhannagar Branch, under Raiganj PS, Uttar Dinajpur on condition that he shall produce the same before this court as and when he be so directed during pending of this case at his own cost and on condition not to alienate, sell, mortgage, or not to change the nature, character and colour of the vehicle during pendency of the instant case without further order in this regard.

In the circumstances, I.O. is directed to submit report by the date fixed positively regarding return of the vehicle to its registered owner on duly verifying the original documents regarding ownership of the said vehicle and identity of the owner thereof.

I.O is further directed to submit the said report with also photographs snapped during return of the vehicle to its registered owner.

Accordingly, registered owner is also directed to submit a compliance petition on receiving the said seized vehicle in compliance of the order by the date fixed positively.

Let a copy of this order be sent to I.O.

To date (**10.03.2026**) for appearance, compliance and supply of copy.

D/C by me

Special Judge(E),
Uttar Dinajpur

Special Judge(E)
Uttar Dinajpur