

GAHC010080662025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./466/2025

UNION OF INDIA
THROUGH NARCOTICS CONTROL BUREAU REPRESENTED BY
INTELLIGENCE OFFICER.

VERSUS

NAREN DUTTA
S/O BHOLESWAR DUTTA
RESIDENT OF SEUJI NAGAR BELTOLA, PO BELTOLA PS BASISHTHA,
GUWAHATI KAMRUP (METRO), ASSAM, PIN-781028

Advocate for the Petitioner : MR. S C KEYAL, KAUSHIK JAIN, SC, NCB

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

25.04.2025

Heard Mr. K. Jain, learned counsel for the petitioner.

2) The petitioner NCB is aggrieved by the order dated 09.10.2024 passed by the learned Special Judge (NDPS) -cum- Sessions Judge, Golaghat in NCB Crime No. 05/2024, by which, zimma of the vehicle involved in the case i.e. a Maruti WagonR vehicle bearing registration No. AS-01-AH-9629 was granted to its owner, i.e., the sole respondent herein; though, 25.626 kgs of

Opium and 312 gms of Heroin were recovered from the possession of the respondent, who is the owner of the said vehicle and is already on bail, with certain conditions imposed.

3) Mr. Jain, learned counsel appearing for the petitioner NCB relied on a decision of the Hon'ble Apex Court in the case of *Biswajit Dey Vs State of Assam*, reported in (2025) 3 SCC 241, decided on 07.01.2025, wherein, the Hon'ble Supreme Court laid down certain scenarios, wherein the owner of the vehicle is required to be arrayed as an accused in the case and wherein he is not.

4) Pursuant to the said order of the Court of the learned Special Judge (NDPS), Golaghat dated 09.10.2024, zimma of the vehicle was already handed over to the sole respondent about 7 (seven) months back and it is not the case of the petitioner NCB that the respondent has violated any of the terms and conditions imposed in the said order dated 09.10.2024.

5) At this stage, Mr. Jain counsel appearing for the petitioner/NCB prays for some time to obtain necessary instruction from the petitioner authority.

6) Prayer is allowed.

7) List on **02.05.2025**.

JUDGE

Comparing Assistant