

GAHC010275392025



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

Case No. : Crl.Pet./1565/2025

NABA BARMAN
S/O SRI NIDAN BARMAN
R/O PAIKARKUCHI, SANDHA
P.O. SONDHA
DIST. NALBARI, ASSAM,
PIN-781337.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR.A K SHARMA, MR. M MORE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 08.01.2026

Heard Mr. M. More, learned counsel for the petitioner and Mr. M.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.

2. The petitioner has stated that he is the registered owner of a truck bearing registration no. AS-01/SC-6484 [‘the subject-vehicle’, for short]. The subject-vehicle was seized on 08.10.2025 in connection with Bazaricherra Police Station Case no. 135/2025 registered under Sections 22[c]/25/29, NDPS Act. In connection with Bazaricherra Police Station Case no. 135/2025, two persons, namely, Rabidhar Barman and Monu Barman were arrested. From the subject-vehicle, 3,000 bottles containing suspected Codeine Phosphate, that is, equal to 354 Kgs were seized.

3. The petitioner has approached this Court aggrieved by an Order dated 20.11.2025 whereby Petition no. 5348 filed by the petitioner seeking custody of the subject-vehicle has been rejected.

4. Issue notice, returnable on 02.02.2026.

5. As Mr. Goswami, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the respondent, issuance of formal notice to the respondent is dispensed with. However, extra copy of the criminal petition along with annexures are to be furnished to Mr. Goswami within 3 [three] working days from today.

6. For the purpose of adjudication, a perusal of the materials in the concerned case diary and a report from the Investigating Officer [I.O.] of the case would be necessary.

7. Let the scanned copy [legible] of the case diary and the report from the I.O. be produced by the learned Additional Public Prosecutor on the next date of listing.

JUDGE

Comparing Assistant