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 RAJESH MAZUMDAR

ORDER

Date : 19.03.2026

Heard Mr. M. More, learned counsel appearing for the petitioner. Also heard Mr. Baruah, learned Addl. P.P. for the State of Assam.

2. This application has been filed praying for setting aside and quashing the order dated 20.11.2025 passed by the learned Special Judge, Sribhumi in Bazaricherra P.S. Case No. 135/ 2025, by which the Zimma Petition No. 5348/25 filed by the petitioner was rejected whereby petitioner prayed for zimma/release of his vehicle (truck) bearing registration number AS-01-SC-6484 along with the keys in connection with Bazaricherra P.S. Case No. 135/2025.

3. The learned counsel for the petitioner has submitted that in exactly similar circumstances, this Court was pleased to grant the release of a truck involved in criminal revision petition 39/2026 where the truck had been given to a transport company and while the said truck was run by the transport company, some recovery of cough syrup was made from goods which were being transported in the truck.

5. This Court does not find any reason to differ with the view taken on the earlier occasion while disposing of criminal revision petition number 39 of 2026.

6. It has been stated that the truck was given on hire by the petitioner herein, who is the registered owner, to a transport company. The petitioner was only receiving rent for the truck.

7. Since this Court is of the opinion keeping the truck in custody would not serve any fruitful purpose, it is directed that the truck bearing registration number AS-01-SC-6484 shall be released with registered

owner on bond of rupees 1,00,000/- and a further assurance that he would produce the vehicle before the investigating authority and/or the Trial Court as when and required till disposal of the trial.

8. This order is subject to the condition that there are no orders passed by the competent Court for confiscation of the vehicle. The learned counsel has submitted that there are no such orders to his knowledge.

9. Petition stands disposed of.

JUDGE

Comparing Assistant