

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1209 of 2025

Rajesh Kumar, age about 32 years, (Authorised Representative of Mangalam Timber, a unit of Mangalam Cement Limited), S/o Chandra Bali Singh, R/o H.No. E-193, A Type, Railway Colony, Near Power House crossing, Ram Nagar, Chutia, P.O. and P.S. Chutia, District Ranchi. ... Petitioner

Versus

1. The Union of India through the Inspector, Narcotics Control Bureau, Ranchi Zonal Unit, 1st Floor, Jharkhand State Board, Near Harmu Chowk, P.O. and P.S. Harmu, District Ranchi.
2. The Superintendent of Police, P.O. & P.S. Lohardaga, District Lohardaga, Jharkhand-835302.
3. The Officer-in-Charge, Kuru Police Station, P.O. and P.S. Kuru, District Lohardaga ... Opposite Parties

For the Petitioner	: Mr. Rahul Lamba, Advocate
For the State	: Mr. Vineet Kumar Vashistha, Spl.PP
For the UOI	: Mr. Prashant Pallav, Addl.SGI
	Mr. Bajrang Kumar, AC to Addl.SGI

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- **I.A. No. 58 of 2026**

1. Heard the parties.
2. Learned counsel for the petitioner submits that this interlocutory application has been filed for early hearing of this Cr.M.P.
3. Since hearing of this interlocutory application is taken up today, hence, this interlocutory application is disposed of being infructuous.

(Anil Kumar Choudhary, J.)

Cr.M.P. No.1209 of 2025

1. Heard the parties.
2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Initially, this petition was filed and registered as W.P.(Cr.) No.320 of 2025. On 08.05.2025, the counsel for the petitioner sought permission of the concerned Bench of this Court to convert this petition into Criminal Miscellaneous Petition. i.e. petition under Section 482 of the Code of Criminal Procedure. The prayer was allowed.
3. The prayer made in this Cr.M.P. is for quashing the order dated 09.04.2025 passed by the learned Sessions Judge-cum-Special Judge, N.D.P.S. Cases, Lohardaga in M.C.A. No.142 of 2025 arising out of N.C.B. Crime No.01 of 2025, which was filed by the petitioner under Section 497 of the B.N.S.S., 2023 for release of his consignment consisting of different size of Medium Density Fiber Boards, which petition, the petitioner claims has arbitrarily and illegally been rejected by the learned Sessions Judge, Lohardaga.
4. It is submitted by the learned counsel for the petitioner that 250 Kg of *Ganja* was found from the vehicle which was concealed by plywoods. The *Ganja* in the truck was seized. The Medium Density Fiber Boards did not find mention in the seizure list and the same was never seized or produced before the Court concerned. It was illegally kept in the custody of Kuru Police Station. Notices were issued to the company of the petitioner, namely, Mangalam Timber and the case was at the early stage of investigation and the learned Sessions Judge-cum-

Special Judge, N.D.P.S. Cases, Lohardaga rejected the application. It is further submitted by the learned counsel for the petitioner that the impugned order is not sustainable in law. Hence, it is submitted that the prayer, as prayed for in the instant Cr.M.P., be allowed.

5. Learned Spl.P.P. appearing for the State of Jharkhand and the learned counsel appearing for the Union of India on the other hand submit that the learned Court can be urged upon to exercise the power under Section 497 of the B.N.S.S., 2023 only when the property is produced before the any Court and admittedly, in this case, as the property sought to be released has never been produced before the Court concerned being the learned Sessions Judge-cum-Special Judge, N.D.P.S. Cases, Lohardaga, so, no illegality has been committed by the learned Sessions Judge-cum-Special Judge, N.D.P.S. Cases, Lohardaga in not exercising the power under Section 497 of the B.N.S.S., 2023. Hence, it is submitted that this Cr.M.P., being without any merit, be dismissed.

6. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, this Court finds that it is the admitted case of the petitioner that the property sought to be released in favour of the petitioner was never produced before the learned Sessions Judge-cum-Special Judge, N.D.P.S. Cases, Lohardaga.

7. Under such circumstances, no illegality has been committed by the learned Sessions Judge-cum-Special Judge, N.D.P.S. Cases, Lohardaga in not exercising the power under Section 497 of the B.N.S.S., 2023 as the property concerned sought to be released was never

produced before the Court concerned; as production of the property sought to be released before the court concerned, is the sine qua non, for exercising the power, by the court concerned, under section 497 of the BNSS. Therefore, this Court is of the considered view that there is no justifiable reason to quash the order dated 09.04.2025 passed by the learned Sessions Judge-cum-Special Judge, N.D.P.S. Cases, Lohardaga in M.C.A. No.142 of 2025 arising out of N.C.B. Crime No.01 of 2025 made in this Cr.M.P., in exercise of its power under Section 528 of the B.N.S.S., 2023.

8. Accordingly, this Cr.M.P., being without any merit, is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 19th of January, 2026
AFR/ Madhav

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