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C.R.R. 2619 of 2025

Santosh Mondal
-vs-
The State of West Bengal

Mr. Kushal Kumar Mukherjee
Mr. Arijit Bose ... for the petitioner

Mr. Gouranga Kumar Das, Ld. APP
Mr. Shatarup Purkayastha ...for the State

A report submitted by S.I of Police, Cyber Crime Wings,
West Bengal dated 18.7.2026 is taken on record.

In this application, the petitioner has prayed for
quashment of the order dated 19.5.2025 passed in SC case
no. 100 of 2025 corresponding to G.R. case no. 3694 of 2024
by which the court below has rejected the petitioner's prayer
for return of the seized vehicle.

Being aggrieved by the aforesaid order, learned counsel
for the petitioner submits that the petitioner is not an accused
in the present case but his son has been implicated, who is in
custody. The petitioner herein/father made an application for
return of the vehicle bearing registration no. WB26BZ0377
but the court below rejected such prayer of the petitioner on
the ground that the vehicle was allegedly purchased by the
accused/son of the petitioner, Subrata Mondal with the
proceeds of crime in the name of the petitioner and that the
petitioner failed to justify before the court as to how he
purchased the vehicle from his own income.

Being aggrieved by the aforesaid observations of the Trial court, learned counsel for the petitioner submits that petitioner is the owner of the vehicle, which is not in dispute and the prosecution has failed to establish any prima facie case that the vehicle was purchased from the proceeds of crime. He further submits that the vehicle in question is deteriorating day-by-day due to lack of proper maintenance at the police station. Therefore, no fruitful purpose would be served by detaining the same at the police station premises and the same may be returned to the petitioner, who is the registered owner of the vehicle.

Learned counsel for the State opposed such prayer but submitted that the prosecution has not prayed for confiscation of the said vehicle as yet and as such, he leaves the prayer made by the petitioner to the discretion of the court.

Having heard learned counsel for both the parties, it appears from the statement made on behalf of the petitioner that the trial has already been commenced and the prosecution has already examined four witnesses. In the absence of any prayer for confiscation made by the State, I find that the detention of the said seized vehicle at the Police Station- Malkhana would only cause day-to-day deterioration in absence of proper maintenance.

In such circumstances, the court below was not justified in rejecting the petitioner's prayer for return of the vehicle in question and therefore, it is liable to be set aside.

In view of above, CRR 2619 of 2025 is allowed. The impugned order dated 19.5.2025 is hereby set aside. The custody of the vehicle in question being WB26BZ0377 (Tata Safari) shall be temporarily given to the petitioner by the Trial court till further order on condition that the petitioner shall execute a bond before the Trial court equivalent to the value of the vehicle and he will deposit bank guarantee to the tune of Rs. 10,00,000/- and also on condition that he will produce the vehicle before the court below as and when he will be asked and also on condition that he will not change the nature and character of the vehicle and will not transfer the same till disposal of the proceeding. The Trial court will also be at liberty to impose any other additional conditions what he deems fit and necessary.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)