
(1999) 08 PAT CK 0080

In the Patna High Court

Case No : Criminal Revision No. 284 of 1999

Deen Bandhu Ghose

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 05-08-1999

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) — Section 8

Citation : (1999) 3 BLJR 2140

Hon'ble Judges : Shiva Kirti Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Shiva Kirti Singh, J.—Heard the parties.

2. The prayer of the petitioner in this revision application is for release of his truck bearing registration No. WB-41-A 0227 which has been seized in connection with Spl. Case No. 55 of 1998 u/s 8 of the N.D.P.S. Act, 1985. From the order of the Court below dated 7-4-1999, it appears that prayer of the petitioner was rejected on the ground that in his application for release, he has made no specific averment that he is the owner of the vehicle. In this regard, learned Counsel for the petitioner submitted that since the original certificate of registration has been seized by the authorities along with the truck, hence, he produced only a photo copy of the certificate of registration which has also been annexed to this application as Annexure-2. A perusal of the said certificate of registration shows that the petitioner and his one brother have been described as registered owners.

3. Considering all the facts and circumstances of the case, this application is allowed and the learned Court below is directed to release the truck in question in favour of the petitioner on verification of the fact that his name appears as one of the owners in the original certificate of registration and on his furnishing sufficient security to the satisfaction of the learned Court below. It is made clear

that this release is only by way of an interim arrangement subject to final outcome of the case and before taking delivery of the vehicle the petitioner must file an undertaking on affidavit that he shall produce the vehicle in this case if and when required by the Court concerned, and that he shall not transfer or in any way encumber the vehicle in question during the pendency of the proceeding in the Court below.

4. With the aforesaid directions, this application is allowed to the extent indicated above.