

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
CRL PETN No.07 of 2021

Smt. Swastika Bhowmik

.....Petitioner(s)

V E R S U S

The State of Tripura

.....Respondent(s)

For Petitioner(s) : Mr. P.K. Ghosh, Advocate.

For Respondent(s) : Mr. Ratan Datta, Public Prosecutor.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

ORDER

26/02/2021

Petitioner's motor car was intercepted and detained for allegedly carrying 420 bottles of eskuf cough syrup containing codeine phosphate & chlopheniramine maleate of 100 ml each which is a banned substance under NDPS Act. This happened on 26.08.2019. The petitioner requests for release of the vehicle pending trial.

The petitioner made an attempt before the Special Court. When the allegation was rejected by an order dated 11.09.2020 this petition came to be filed.

Having heard learned counsel for the parties and having perused documents on record what emerges is that even according to the investigating agency the petitioner was not travelling in the vehicle when it was intercepted. According to the petitioner, she had given the vehicle for

hire on monthly rental. She has no connection with the commission of the alleged offence. The vehicle was seized nearly year and half ago. The trial will take considerably longer period to complete. The charge-sheet, however, has been filed and lastly, the quantity of narcotics is not commercial quantity even going by the prosecution version.

Under the circumstances, let the vehicle in question be released to the petitioner on her executing a Bond of Rs.50,000/- with one surety of the like amount to her satisfaction subject to the following conditions.

- (i) The petitioner shall not sale or transfer the same till the completion of the trial.
- (ii) The petitioner shall be produced the vehicle before the Court as and when directed.
- (iii) Maintain the vehicle in the proper condition.
- (iv) A panchnama of the vehicle and its condition be made before releasing.

In the result, petition is disposed of. Pending application(s), if any, also stands disposed of.

(AKIL KURESHI), CJ