

**HIGH COURT OF TRIPURA
AGARTALA
CRL. PETN NO.7 OF 2022**

Sri Firoz Miah
Vs.
The State of Tripura.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mr. R. Nath, Advocate.
For the Respondent(s) : Mr. R. Datta, P.P.

31.01.2022

Order

Heard Mr. R. Nath, learned counsel appearing for the petitioner as well as Mr. R. Datta, learned P.P. appearing for the State-respondent.

Prima facie, this Court is not convinced with the arguments advanced by the counsel for the petitioner on the ground that, the petitioner is the owner of the vehicle and he alienated the vehicle in favour of one Abdul Kadir long back but however, still his name is shown in the motor vehicle records. Thus, he is before this Court seeking to release the vehicle (Eeco van) bearing registration No.TR01AG0263 which has been seized in Bishalgarh P.S. Case No.2020 BLG 013 registered under Sections 22(c)/25/27(A)/29 of NDPS Act, 1985 on allegation of

seizing 15(fifteen) K.Gs. of Yaba Tablets which is worth of Rs.7.5 crores which were found in the vehicle in a cylinder which was customized and fixed in the said Eeco Maruti van. The petitioner further contends that he has no *mens rea* with regard to the said crime and he has not instructed the accused person to use the said vehicle for committing the said crime. The petitioner came to know about the seizure of his vehicle after the commencement of the crime. It is the further case of the petitioner that, way back on 11.12.2019, the vehicle has been sold by the petitioner and from that date onwards he have no knowledge about the same. During the course of argument, the counsel appearing for the petitioner has made the above submissions but surprisingly, none of the submissions are part of the record neither before the Trial Court nor before this Court.

Mr. R. Datta, learned P.P. appearing for the State respondent has opposed the said submission of the petitioner-counsel.

However, having heard the learned counsel appearing for the petitioner as well as after perusing the record, this Court is not inclined to pass any relief in favour of the petitioner since there are several facts which have been

submitted before this Court which requires investigation. Further in view of the serious allegation made against the vehicle for possessing Rs.7.5 crores worth of 15(fifteen) K.Gs Yaba Tablet (Narcotics Drugs), at this moment, this Court is not inclined to consider the release of the vehicle in favour of the petitioner. Since the said vehicle is customized for supplying the prohibited contraband item, it would not be proper to release the said vehicle which indirectly would encourage the accused person to use the vehicle for repeatedly committing the crime. Further, since the petitioner is not the owner of the said vehicle, he has no *locus standi* to file the present petition for the release of the said vehicle. He has ceased his right of ownership way back on 11.12.2019 itself.

In view of the above reasons, the instant criminal petition is dismissed.


सत्यमेव जयते **JUDGE**