

GAHC010235222024



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**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

Case No. : I.A.(Crl.)/1072/2024

NUHU DAIMARI
S/O MOTHI DAIMARI, VILL- MAZBAT BORGORIBARI, P.O.-MAZBAT, P.S.-
MAZBAT, DIST- UDALGURI, ASSAM-784507

VERSUS

THE STATE OF ASSAM,
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : RAJU DEURI, MR. S K DEORI

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

ORDER

Date : 30.04.2025

1. Heard Mr. R Deuri, learned counsel for the petitioner.
2. This is a Criminal Revision application under Section 397/401/482 of the CrPC r/w Section 451/457 of the Criminal Procedure praying for setting aside and quashing of the impugned order dated 31.05.2024 passed by the Ld. Special Judge, NDPS, Biswanath Chariali, in connection with Gingia PS Case No. 84/2022, Special

(NDPS) Case No. 01 of 2023 under Section 20(b)(ii)(c)/27A/29 NDPS Act, 1985 whereby the petition No. 846/2024 dated 31.05.2024 praying for the custody of the registered Vehicle No. AS-12-X-0498 and for unfreezing of the SBI savings bank Account No. 40917119485, Mazabat Branch, under Udaguri district and a Vivo mobile handset was rejected.

3. Learned counsel for the petitioner states that he is the registered owner of the aforementioned seized vehicle and also legitimate account holder of the SBI savings account mentioned hereinabove. He has stated that on mere allegations, his vehicle has been seized in the said case and he also stated that no illegal transactions had been made through his bank account.

4. The petitioner, at the outset, has also drawn the attention of this Court to an order dated 17.09.2024 passed by this Court in Crl.Rev.P./242/2024 whereby this Court has already granted zimma of the seized vehicle to the present petitioner by giving certain conditions. It is submitted by the learned counsel for the petitioner that in the Crl.Rev.P./242/2024 he had prayed for unfreezing his SBI savings bank account. However, the said prayer was not granted by the learned Court.

5. In the present petition, the petitioner has again made a prayer for setting aside the order of the Special NDPS Court dated 31.05.2024 where he has prayed for unfreezing his SBI savings bank account. But, the same had been rejected by the learned Court below.

6. Ms. S Borah, learned Additional Public Prosecutor is present for the State respondents and has submitted that, at this stage, without going through the Trial Court records and without any report from the concerned authorities, it is not possible to arrive at a conclusion as to whether the SBI savings bank account of the petitioner has been used for any illegal transactions, in connection with the ongoing trial.

7. Therefore, it is prayed that the present petitioner be directed to approach the learned Trial Court with an application for unfreezing the account. The learned

Trial Court shall deal with the same, in accordance with law.

8. Accordingly, this petition is disposed of with a direction to the petitioner to approach the learned Special Judge, NDPS, Biswanath Chariali, with an application for unfreezing his SBI savings bank Account No. 40917119485.

9. On receipt of the said application, the learned Special Judge, NDPS, Biswanath Chariali, shall deal with the application and dispose of the same, in accordance with law.

10. The petitioner shall file the said application within a week.

JUDGE

Comparing Assistant