

Prem Singh Vs. State of Punjab

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Court : Punjab and Haryana

Decided On : Jan-22-2013

Appellant : Prem Singh

Respondent : State of Punjab

Judgement :

Criminal Revision No.82 of 2013

1. IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
Criminal Revision No.82 of 2013 Date of decision : January 22, 2013 Prem Singh
.....Petitioner VERSUS State of PunjabRespondent CORAM:- HON'BLE
MR.JUSTICE RANJIT SINGH 1

Whether Reporters of local papers may be allowed to see the judgement?.

2. To be referred to the Reporters or not?.

3. Whether the judgment should be reported in the Digest?.

Present : Mr.D.K.Kaushal, Advocate for the petitioner.

Mr.Kirat Singh Sidhu, D.A.G.Punjab for the State.

**** RANJIT SINGH, J.

Prayer of the petitioner for release of truck on superdari has been rejected and he has, accordingly, filed this Criminal Revision petition challenging this order.

The consideration which has to be kept in view while releasing the vehicle used for an offence under the NDPS Act was considered by this Court in Criminal Revision No.1905 of 2010, titled as Mukesh Kumar versus State of Haryana, decided on 30.11.2011.

The provisions of Sections 60, 61 and 62 of the NDPS Act can not be ignored and release of the vehicle on superdari is not to be considered alone by making reference to Section 451 Cr.P.C. As per the provisions contained in the NDPS Act, the illicit drug, Criminal Revision No.82 o

2. substance, plants/articles and conveyance are liable to confiscation.

The procedure for directing confiscation is given in Section 63 of the NDPS Act.

Though, there may not be a clear bar for release of vehicle on superdari in cases where the trial under the NDPS Act is in progress yet some measures are required to be ensured that the vehicle is not done away to render the procedure for confiscation of such vehicles to be negatory.

In view of the above position, the release of truck on superdari can be considered by providing sufficient safeguards.

The vehicle if not released and made to lie in police station would rot and deteriorate.

Let the petitioner appear before the trial Court and the trial Court would release the truck on superdari by imposing the condition to ensure that the vehicle is not misused in any manner and the same is kept in the same condition and to be produced before the Court as and when required and would also be made available to the Court during the proceedings initiated to confiscate the same if these proceedings so held.

The present petition is, accordingly, disposed of.

January 22, 2013 (RANJIT SINGH) reena JUDGE

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