SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Sujith Kumar vs the State of Kerala

Sujith Kumar vs the State of Kerala

SooperKanoon Citation : sooperkanoon.com/1592897

Court : Kerala

Decided On : Jan-29-2021

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : WP(C)/776/2021

Appellant : Sujith Kumar

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN FRIDAY, THE 29TH DAY OF JANUARY 2021 / 9TH MAGHA, 1942 WP(C).No.776 OF 2021(V) PETITIONER/S: SUJITH KUMAR S/O. KOTTAPPUNCHA APPAKUNHI, KOTTAPPUNCHA HOUSE, AYAMPARA, PERIYA VILLAGE, P.O.PERIYA, HOSDURG TALUK, REPRESENTED BY HIS POWER OF ATTORNEY HOLDER, NAYANA.A, AGED 24 YEARS, W/O. SUJITHKUMAR, R/NEAR AVIKKARA ALP SCHOOL, KANAHANGAD, BALLA VILLAGE, P.O.KANHANGAD, HOSDURG TALUK, -671 315 BY ADV. SRI.A.ARUNKUMAR RESPONDENT/S:

1 THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001 2 THE STATION HOUSE OFFICER, KANNUR TOWN POLICE STATION, THAVAKKARA, KANNUR, KANNUR DISTRICT-670 001 3 THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, AND CONVEYANCE DISPOSAL COMMITTEE, KANNUR DISTRICT- REPRESENTED BY ITS CHAIRMAN, KANNUR DISTRICT-670 001 4 THE EXCISE COMMISSIONER, COMMISSIONERATE OF EXCISE, THIRUVANANTHAPURAM-

OTHER PRESENT: PP T.R.RENJITH THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.01.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

JUDGMENT

Dated this the 29th day of January, 2021 The petitioner's vehicle was seized in connection with Crime No.1481 of 2020 registered at the Kannur Town Police Station for the offence punishable under Section 20(b)(ii)(A) of NDPS Act. The petitioner approached the third respondent, Drug Disposal Committee, Kannur with Ext.P4 application seeking release of his

vehicle. The prayer in this writ petition is to direct the third respondent to consider and pass orders on Ext.P4 expeditiously.

2. The Drug Disposal Committee is conferred with the authority to consider applications for release of conveyances used for transportation of narcotic drugs or psychotropic substance, as held by the Honourable Supreme -3-

Court in Union of India v. Mohanlal and another [2016 (3) SCC 379] and reiterated by this Court in Smart Logistics (Ms), Kozhikode v. State of Kerala and others [2020(5) KHC 139]. Hence, the writ petition is disposed of, directing the third respondent to consider Ext.P4

application and pass orders thereon,

the third respondent shall take into account the directions contained in Smart Logistics (supra). The order, as directed, shall be passed within a period of one month from the date of receipt of a copy of this judgment.

Sd/- V.G.ARUN JUDGE Scl/29.01.2021 -4- APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1 A TRUE COPY OF THE POWER OF ATTORNEY EXECUTED BY THE PETITIONER IN FAVOUR OF HIS WIFE DATED 27.10.2020 EXHIBIT P2 A TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE OF THE PETITIONER EXHIBIT P3 A TRUE COPY OF THE FIR IN CRIME NO.1481 OF 2020 OF KANNUR TOWN POLICE STATION EXHIBIT P4 A TRUE COPY OF THE APPLICATION DATED 03.11.2020 SUBMITTED BEFORE 3RD RESPONDENT EXHIBIT P5 A TRUE COPY OF THE RECEIPT DATED 03.11.2020 ISSUED BY THE OFFICE OF THE 3RD RESPONDENT

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com