



2026:CGHC:27271
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1080 of 2016

Vishvnath Patel S/o Sudharam Patel Aged About 48 Years R/o Village Lokhandi, Police Station- Koni, Tahsil- Takhatpur, Civil And Revenue District Bilaspur, Chhattisgarh.

... Applicant

versus

1. Suraj Kumar Patel, S/o Vedram Patel, Aged About 35 Years R/o Village Lokhandi, Near William Church, Police Station- Koni, Tahsil- Takhatpur, Civil And Revenue District Bilaspur, Chhattisgarh.
2. Gajanand Patel S/o Sudharam Patel, Aged About 31 Years R/o Village Bhokarapara Lokhandi, Police Station- Koni, Tahsil- Takhatpur, Civil And Revenue District Bilaspur, Chhattisgarh.
3. Rungsu @ Savit Patel, S/o Guru Patel, Aged About 30 Years R/o Village Lokhandi, Police Station Koni, Tahsil- Takhatpur, Civil And Revenue District Bilaspur, Chhattisgarh.
4. State of Chhattisgarh Through Food Controller Bilaspur Police Station Civil Lines, Tahsil, Civil And Revenue District- Bilaspur, Chhattisgarh.

... Respondents

For Applicant	:	Mr. Sourav Agrawal, Advocate.
For Respondent No. 4/State	:	Mr. Nitansh Jaiswal, Dy. Govt. Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

02.07.2026

1. Heard Mr. Sourav Agrawal, learned counsel, appearing for the applicant.
2. The present petition has been filed by the applicant seeking following prayer:-

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"It is therefore prayed that this Hon'ble Court may kindly be pleased to allow the instant revision and set-aside the order dated 01/09/2016 passed by learned 9th Additional Session Judge Bilaspur, District Bilaspur in criminal appeal no. 652/2013, parties "Vishvnath Patel Vs. Suraj Kumar Patel & others" is in the interest of justice."

3. The brief facts of the case are that on 01.05.2009, the police of Police Station Sarkanda apprehended respondent No. 1, who was working as a salesman under the Public Distribution System (PDS), while he was allegedly transporting kerosene oil. The police asked respondent No. 1 to produce documents authorizing his possession and transportation of the said kerosene oil, however, he failed to produce any such document. It was further alleged that the kerosene oil was seized from a Maruti Omni Van bearing Registration No. CG-10A-0953, which was owned by the present applicant. The police of Police Station Sarkanda registered Crime No. 196/2009 against respondent Nos. 1, 2, and 3 for offences punishable under Sections 3 and 7 of the Essential Commodities Act, 1955. Pursuant to the registration of the said crime, the Food Inspector conducted an enquiry into the functioning of the Public Distribution System at Nirtu, Tahsil Takhatpur, District Bilaspur (C.G.), and submitted an enquiry report dated 10.06.2009 before the learned Collector, Bilaspur. On the basis of the aforesaid enquiry report, the learned Collector registered Food Case No. 30/2008-09 and issued a show cause notice to the applicant. In response thereto, the applicant submitted his reply, wherein he categorically denied having any knowledge of the alleged transportation of the kerosene oil.
4. The learned Collector, not being satisfied with the explanation furnished

by the applicant, passed the impugned order dated 11.02.2013, whereby an amount of Rs. 50,000/- was confiscated from the value of the Maruti Omni Van bearing Registration No. CG-10A-0953.

5. Aggrieved by the order dated 11.02.2013 passed by the learned Collector, Bilaspur, the applicant preferred an appeal under the Essential Commodities Act, 1955 before the learned 9th Additional Sessions Judge, Bilaspur (C.G.). The said appeal was dismissed by the impugned order dated 01.09.2016.
6. Learned counsel for the applicant submits that the applicant, along with respondent Nos. 1 to 3, was implicated in Crime No. 196/2009 for offences punishable under Sections 3 and 7 of the Essential Commodities Act, 1955. It is submitted that all the accused were put to trial and were subsequently acquitted by the learned trial Court vide judgment dated 17.06.2013 passed in Criminal Case No. 244/2012. Learned counsel further submits that during the course of the proceedings, the learned Collector, Bilaspur, vide order dated 11.02.2013 passed in Food Case No. 30/2008-09, confiscated an amount of Rs. 50,000/- from the value of the Maruti Omni Van bearing Registration No. CG-10A-0953. Aggrieved thereby, the applicant preferred Criminal Appeal No. 652/2013 before the learned 9th Additional Sessions Judge, Bilaspur, however, the learned appellate Court affirmed the confiscation order. It is further submitted that the acquittal of respondent Nos. 1 to 3 has attained finality and that paragraph 16 of the judgment dated 17.06.2013 specifically records that the seized Maruti Van bearing Registration No. CG-10A-0953 shall be released in favour of its registered owner. Since the applicant claims to be the registered owner of the said vehicle, it is prayed that the same be released in his favour.

7. Per contra, learned State counsel opposed the prayer made on behalf of the applicant. However, he fairly conceded that respondent Nos. 1 to 3 have already been acquitted by the learned trial Court in respect of the offences in question and could not dispute the observations contained in paragraph 16 of the judgment directing release of the vehicle in favour of its registered owner.
8. I have heard learned counsel for the parties and perused the pleadings, the impugned orders, and the documents placed on record.
9. It is pertinent to note that despite having been granted sufficient opportunities, the learned State counsel has failed to file a reply. A perusal of the order-sheet reveals that even on the last date of hearing, i.e., 24.06.2026, a co-ordinate Bench of this Court granted further time to file the reply, however, no reply has been filed till date.
10. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court finds that respondent Nos. 1 to 3 have already been acquitted of the offences alleged against them vide judgment dated 17.06.2013 passed in Criminal Case No. 244/2012. It is also evident from paragraph 16 of the said judgment that the learned trial Court directed release of the seized Maruti Van bearing Registration No. CG-10A-0953 in favour of its registered owner. In these circumstances, and considering that the applicant claims to be the registered owner of the aforesaid vehicle, this Court is of the opinion that the vehicle deserves to be released in favour of the applicant. Accordingly, it is directed that the said vehicle be released forthwith in favour of the applicant, if it has not already been released.
11. Before releasing the vehicle, the Collector, Bilaspur, shall verify whether the applicant is the registered owner of the Maruti Omni Van bearing

Registration No. CG-10A-0953 and, upon such verification, shall proceed in accordance with law.

12. Consequently, with the aforesaid direction, the present criminal revision is **disposed of**. The impugned judgment and order dated 01.09.2016 passed by the learned 9th Additional Sessions Judge, Bilaspur (C.G.) in Criminal Appeal No. 652/2013 affirming the confiscation order dated 11.02.2013 passed by the Collector, Bilaspur in Food Case No. 30/2008-09 is hereby set aside.
13. Registrar (Judicial) of this Court is directed to send a copy of this order to the concerned trial Court as well as the Collector Bilaspur for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice

Abhishek