

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 635 of 2015

Deepak Kumar S/o Krishna Kumar Singh Aged About 40 Years R/o Kolhar Police Station Patan Palamu (Jharkhand), Present Address Opposite Old District Panchayat Office, Janjgir, Distt. Janjgir - Champa Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through District Magistrate, Janjgir Chhattisgarh.

---- Respondent

For Petitioner – Shri Ajay Ayachi, Advocate.
For Respondent/State – Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/10/2015

1. Instant petition under Section 482 of Cr.P.C. is for release of the vehicle Bolero bearing No. J.H. 03 D-6801 which is said to be involved in Crime No.122/2015 under section 34 (2) of the C.G. Excise Act. As per prosecution vehicle while was carrying 8 litre and 640 ml of liquor and 120 bear bottle 78 litres it was intercepted and was seized. The custody of the vehicle when was prayed for it was dismissed by the CJM on 4/06/2015 and against such order revision having been preferred same was dismissed on 25/06/2015.

2. Learned counsel for the petitioner would submit that petitioner is the owner of the vehicle and it was given on rent to one Ranjan Kumar S/o Purender Singh for 11 months @ Rs.25,000/- per month. It is contended on behalf of the petitioner that petitioner was not involved in the crime even if vehicle was seized on 2/05/2015 it is lying idle in Police Station,

therefore it will not serve any further purpose for the prosecution.

3. Reply has been filed on behalf of the State. They have opposed the prayer.

4. Learned State counsel was directed to inform as to whether any confiscation proceeding were carried out in respect of the vehicle or not?

Learned State counsel would submit that on enquiry from the SHO PS Janjgir-Champa it has been informed that confiscation proceedings have not been started.

5. In view of the same, since investigation is already complete and the seizure is already made, in the opinion of this court no fruitful purpose would be served to keep the vehicle in the Police Station as it will diminish it's value. Therefore, it is directed that petitioner on furnishing bond and surety of Rs.2 lakhs before the trial court, the seized vehicle shall be released in favour of the petitioner. It is also directed that the petitioner shall not change the nature of the vehicle or part with the same and shall produce it as and when required during the course of trial.

6. With such observation, petition stands disposed of.

Sd/-
(Goutam Bhaduri)
JUDGE