

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 470 of 2016

Sheikh Abdul Nabi S/o Shri Sheikh Chhote Miyan, Aged About 41
Years R/o Imlibhatha, Mahasamund, Police Station & District
Mahasamund (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police
Station Bhimkhoj, District Mahasamund (Chhattisgarh)
2. The Collector, Mahasamund, District Mahasamund (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Prasoon Agrawal, Advocate.
For State	:	Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/02/2016

Heard.

1. Looking to the nature of relief sought in the petition, this petition is finally disposed off.
2. Learned counsel for the petitioner submits that on the allegation of use of the petitioner's vehicle in commission of excise offences, the vehicle has been seized and confiscation proceeding has been initiated against the petitioner.
3. It is the case of the petitioner that the vehicle was given on rental/ hire basis and later on, the petitioner came to know that his vehicle was found containing liquor and involved in illegal transportation. The case of the petitioner is that the petitioner had no knowledge and information despite ordinary prudence nor he had any reason to believe that the vehicle could be used for commission of offence. A prayer for interim custody was made but

rejected by the Court below. It is submitted that no useful purpose would be served in keeping the vehicle in custody because the vehicle is likely to rot and junked. It is also argued that the vehicle could be released on imposing appropriate conditions.

4. On the other hand, learned counsel for the State opposes prayer and submits that prima facie case it has been found that the vehicle was used in commission of excise offence as it was found containing liquor. He submits that if the vehicle is released on interim custody, vehicle may not be again produced and the petitioner may misuse the liberty.

5. Considering the submission of learned counsel for the parties, taking into consideration that the petitioner is not alleged to have committed the offence but his vehicle has been found to be involved in commission of alleged offence and that confiscation proceedings are pending, grant of interim custody appears to be just and reasonable.

6. In the result, the petition is allowed. Impugned order is set aside. The vehicle of the petitioner shall be released on interim custody on such conditions as may be imposed by the Confiscating Authority. Amongst other conditions that may be imposed, it shall be necessarily imposed as condition that the order of interim custody shall be liable to be recalled if the vehicle is again found to be involved in commission of any offence including excise offences.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E