

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1313 of 2016

Dinesh Kosariya S/o Shri Damru Kosariya, Aged About 26 Years
Occupation- Cultivator, R/o Village - Akoli Khurd, Police Station - Arang,
Tahsil & District - Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Excise Officer, Excise Circle,
Mahasamund, District - Mahasamund (Chhattisgarh)
2. The Collector, Mahasamund, District Mahasamund (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Prasunn Agrawal, Advocate
For Respondent-State	:	Shri Ramakant Mishra, Dy.A.G.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/05/2016

Heard on admission.

1. The petitioner has filed this petition aggrieved by order dated 25.4.2016 by which petitioner's application for interim custody of the vehicle pending confiscation proceedings has been rejected.
2. Learned counsel for the petitioner submits that on the allegation of vehicle found transporting liquor, it was seized on 23.10.2015. The petitioner has come out with the case that the vehicle is not liable to be confiscated

because no excise offence has been committed. It is submitted that vide judgment dated 15.3.2016, the driver of the vehicle has been acquitted.

It is also submitted that no useful purpose would be served in keeping the vehicle in custody because the vehicle is likely to be rot and become useless. Therefore, vehicle may be released on interim custody by imposing appropriate conditions.

3. On the other hand, learned counsel for the State submits that as the vehicle was found transporting liquor, it was seized and confiscation proceedings are going on. He submits that if the vehicle is given to the petitioner on interim custody, the vehicle is again likely to be misused for illegal purpose.
4. True it is that confiscation proceedings are continuing in the present matter, it has to be seen that vehicle has remained in custody of the authority for last 7 months. It has also to be noted that in the criminal case, the driver of the vehicle has been acquitted. No useful purpose may be served by keeping the vehicle, instead, it may be released on appropriate terms and conditions for being produced in the same condition as and when directed by the confiscation authority during or at the end of confiscation proceedings.
5. In view of the above, the impugned order is set aside and the petition is allowed with the direction that the vehicle of the petitioner shall be released on interim custody of the petitioner on appropriate terms and conditions as may be imposed by the confiscation authority.

Sd/-
(Manindra Mohan Shrivastava)
Judge