

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.10899 of 2016

ORDER:

The petitioner is owner of the seized vehicle. His vehicle Ashok Leyland Goods Carriage-LMV bearing registration No.TS05-UA8812 is involved in the commission of the offence by transporting black jaggery in the said vehicle. The petitioner sought for return of the vehicle for interim custody through CrI.MP.No.1675/2016 in COR No.149 of 2016 of Excise P.S., Huzurnagar. The petition was returned by the trial Court *inter alia* on the ground that it has no jurisdiction. Where the petitioner claims to be owner of the offending vehicle, I deem it appropriate to return the vehicle to the petitioner for interim custody, as the non-user of the vehicle is likely to spoil the vehicle. However, the petitioner shall have the interim custody of the vehicle on terms only.

Accordingly, this criminal petition is allowed. Interim custody of the vehicle i.e., Ashok Leyland Goods Carriage-LMV bearing registration No.TS05-UA8812 be granted to the petitioner/accused, subject to the condition that the petitioner proves the ownership of the said vehicle and furnishes personal security for a sum of Rs.50,000/- (Rupees fifty thousand only) together with one surety in a like sum and also on further conditions, viz.,

- (i) the petitioner shall not tamper with the vehicle in any manner and shall maintain the vehicle as it stands as on today;
- (ii) the petitioner shall deposit the title documents and produce the vehicle as and when directed by the trial Court without affecting the right of forfeiture available to the Department;
- (iii) the custody is only interim custody; consequently

the petitioner shall not put the vehicle to any use other than her personal use, and

- (iv) the petitioner shall not sell or otherwise dispose of or alienate the vehicle until disposal of the main case.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 26.07.2016
Dsr