

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 996 of 2017**

Sandeep Saw S/o Munarik Saw, Aged About 30 Years Village Sankara, Thana Sankara, Tehsil Pithora District Mahasamund, Chhattisgarh

---- Petitioner**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Basna, District Mahasamund, Chhattisgarh

---- Respondent

For the Petitioner : Shri Vikash Pradhan, Advocate.

For the Respondent/State : Shri Neeraj Sharma, DGA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04.10.2017

Heard.

1. This petition under Section of 482 of Cr.P.C has been brought with prayer to quash the impugned order passed by the Sessions Judge, Mahasamund, in Criminal Revisions No. H-33/2017 on 21.07.2017 by which the order passed in Chief Judicial Magistrate, Mahasamund dated 16.06.2017 was upheld.
2. Facts of the case are these that a total 5.6 liter liquor was seized from the possession of petitioner, while the same was being transported in motor cycle bearing No. C.G -06 G.C 9597. The motor cycle along-with other articles were seized by PS- Saakra. Petitioner moved an application for interim custody before the C.J.M, Mahasamund, which

was rejected on 16.06.2017 and the revision preferred against this order has also been dismissed by Sessions Court, Mahasamund.

3. It is submitted by learned counsel for the petitioner that the Courts below have erroneously held, that the seized articles are subject to confiscation, whereas no confiscation proceedings has started under Section 47(A) C.G Excise Act. Petitioner is a registered owner of the said motor cycle and is entitled for interim custody.
4. Learned counsel for the State opposes the petition and submission made, and it is submitted that the proceedings before the Court below is pending and the articles under seizure are subject to confiscation under Section 47(A) C.G Excise Act. Hence, this petition may be dismissed.
5. I have heard the learned counsel for the parties and perused all the document placed on record.
6. Although there is a provision that seized articles can be confiscated, but presently no confiscation proceedings is going on. As it appears from the submission made, that the petitioner is the registered owner of the motor cycle and the seized vehicle is subject to depreciation and thus losses itself value by the passing of time. As there is no requirement of the concerned motor cycle for the purpose of trial, till some decision is taken about the confiscation articles, it would be proper to pass the order of interim custody of the motor-cycle in favour of the petitioner.
7. Hence, on the basis of these reasons, this petition is allowed. The Court below is directed to make an assessment of the value of the seized motor cycle and passed the order for furnishing of bond and supurdnama. The seized motor-cycle, shall be handed over in interim

custody to the petitioner, after furnishing of bond and supurdnama as ordered to satisfaction of the same Court. This condition imposed that the petitioner shall not alienate or change the description of the motor cycle so that the identify of motor cycle is changed and shall produce motor cycle as and he is ordered by the trial Court during the course of the trial.

8. Accordingly, this petition stands disposed of.

Sd /-

(Rajendra Chandra Singh Samant)

Judge