

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1431 of 2016

- Harjinder Singh S/o Shri Sarvan Singh Aged About 38 Years Occupation- Businessman, Registered Owner Of The Vehicle Tata Truck Bearing No. N.L. - 08- A- 3208, R/o Aditya Complex, Nagpur, Police Station & Tahsil & District Nagpur, Maharastra, C.G, Registered Vehicle Owner Through Power Of Attorney Holder Harjinder Singh S/o Lakhbir Singh, Aged About 40 Years, R/o Baldev Bhagh, Rajnandgaon, Tahsil & District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through District Magistrate Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For Petitioner : Shri A. S. Rajput, Advocate
For Respondent/State: Shri B. Gopa Kumar, Dy.AG

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

Order On Board

16/01/2017

This petition has been filed by the registered owner of the vehicle seeking interim custody of the vehicle.

2. Learned counsel for the petitioner submits that vide order dated 02-09-2016, an application for grant of interim custody has been rejected by the learned Sessions Judge. He submits that the vehicle has been seized in connection with Crime No.95 of 2014 registered at Police Station Berla and the vehicle has remained in custody since 2014 and trial has not been concluded till date. Learned counsel for the petitioner submits that the facts of the present case and the facts of Crime No.95/2014 registered at Police Station Bemetara, for grant of interim custody of the vehicle, are same. He next submitted that two vehicle has been seized and the application for grant of interim custody of the vehicle filed in other case are same, as petitioner is the registered owner of both the vehicle, was considered and allowed by this Court vide order dated

12-07-2016 passed in Cr.M.P.No.723 of 2016.

3. On the other hand, learned State counsel submits that the State would be adopting same reply as was raised in the other case.

4. After going through the material on record, I find that the present case is identical to the case decided by this Court vide order dated 12-07-2016 passed in Cr.M.P.No.723 of 2016.

5. Accordingly, it is directed that pending the confiscation proceedings, the seized vehicle belonging to the Petitioner, i.e. a truck bearing Registration No.NL/08/A/3208, be released to the petitioner upon his furnishing an appropriate bond and guarantee to the satisfaction of the Court below for return of the said vehicle, if required at any point of time. In the bond he shall give an undertaking that he shall not change the ownership of the vehicle nor shall he change the colour of the vehicle neither shall he create a third party right or interest over the said vehicle. He shall also undertake that he shall produce the vehicle as and when required by the prosecution during the course of investigation, trial and even at the appellate stage. He shall further undertake to produce the vehicle to any competent authority under any other statutes as and when required. So far as surety is concerned, it shall be equal to the present day value of the vehicle seized to the satisfaction of the concerned Trial Court.

6. With the aforesaid observations, the Criminal Misc. Petition is allowed.

SD/-
(**Manindra Mohan Shrivastava**)
Judge