

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 16 of 2017**

Vikram Singh S/o Vijay Bahadur Singh, Aged About 34 Years R/o Village- Bhishampur, Tahsil- Amarpatan, District- Satna (Madhya Pradesh)

---- **Petitioner**

Versus

State of Chhattisgarh Through- Police Station- Dongripali, District- Raigarh Chhattisgarh.

---- **Respondent**

For Petitioner	Shri Sanjay Agrawal, Advocate.
For Respondent/State	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

06/01/2017

1. The instant appeal has been preferred against rejection of releasing of vehicle involved in Case No.17 of 2015 decided by the Special Judge, Raigarh on 22.12.2016.
2. The brief facts relevant for disposal of this appeal is that, the vehicle involved in the said case i.e. Maruti Alto bearing registration No. MP-19-CG-1558 was found with 40 kg Ganja on 20.05.2015. Subsequently, a case was registered against the four persons and the matter was put to trial vide Special Case No.NDPS Act 1985/206100000/17/2015.
3. The trial court vide order dated 22.12.2016 acquitted all four accused persons and while deciding the case reached to the conclusion that since there has been no claim made for the Car and that the said Car was involved in the incident and also the fact that no documents

pertaining to the ownership of the Car has been brought during the course of appeal, it ordered for the said Car be confiscated and auctioned and the amount received from the auction shall be deposited to the State exchequer.

4. Learned counsel appearing for the appellant assailing the said impugned order submits that it is a case where the present appellant is not an accused person in the NDPS Case. Further, in the trial all the accused persons have been acquitted. Counsel for the appellant also referred to Annexure A/2 which is the registration certificate of the said Car and also current insurance policy of the said Car. In both the documents, the name of present appellant has been reflected as owner of the said Car. It is also submitted that the findings of the court below that there has been no claim made for the said Car during the course of trial is incorrect for the reason that during pendency of trial itself the present appellant had moved an application under Section 451 CrPC before the trial court for release of vehicle on Supurdnama.
5. The said application was rejected by the trial court on 14.07.2015 holding that since the application has been moved by an attorney holder, the same cannot be entertained and the application did not seem to be a justified application. Thus, the findings of the court below that there was no claim during trial is incorrect.
6. He further submits that since the criminal case has finally been decided and all the accused persons have been acquitted from the charges and the present appellant not being an accused in the said case, no fruitful purpose would be served if the vehicle is allowed to be confiscated and

auctioned, rather it should be returned to its original owner. The appellant has produced sufficient document to show that he is the owner of the said vehicle. He also refers to decision of this Court in case of Chandrashekhar Yadav Vs. State of Chhattisgarh (Criminal Appeal No.281 of 2016, decided on 12.07.2016).

7. Considering the total facts and circumstances of the case, particularly the fact that since the criminal case itself has resulted in acquittal of all the accused persons; the present appellant not being an accused in the said criminal case and further that the appellant has been able to establish his ownership over the said vehicle and also the fact that on an earlier occasion he had moved an application for release of vehicle on Supurdnama, the appellant has been able to justify his claim for release of the vehicle.
8. For the foregoing reasons, it is directed that the seized vehicle belonging to the appellant i.e., Maruti Alto bearing registration No.MP-19-CB-1558, be released to the appellant upon his furnishing an appropriate bond and guarantee to the satisfaction of the Court below for production of said vehicle, if required at any point of time. He shall further undertake to produce the vehicle to any competent authority under different 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.
9. With the aforesaid observations, the appeal is allowed.

Sd/
(P. Sam Koshy)
Judge

