

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P.No.478 of 2017

Santosh Kumar Sav/Sao, S/o Ramji Sao, aged about 24 years, R/o-Teen Mandir Darshan, Road No.18, Police Station & Post Office-Chhavani, Nehru Chowk, Camp-01, Bhilai, District Durg (CG)

---- Petitioner

Versus

State of Chhattisgarh through District Magistrate, Raipur, District Raipur (CG)

---Respondent

For Petitioner	:	Mr.Shivendu Pandya, Advocate
For Respondent	:	Mr.P.K.Bhaduri, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

17/05/2017

1. The petitioner's vehicle Bolaro bearing registration No.C.G.07/AR/3007 was seized by the jurisdictional police in Crime No.146/2016 registered under Section 34(2) of the Chhattisgarh Excise Act, 1915 (hereinafter called as "Act of 1915") finding it was being used for illicit transportation of liquor. He filed an application under Section 451 of the CrPC for grant of interim custody. That has been rejected by the trial Magistrate by order dated 29.7.2016 and it has been upheld by the revisional Court by order dated 23.8.2016, against which, this petition under Section 482 of the CrPC has been filed.
2. Learned counsel for the petitioner would submit that orders passed by the Courts below are contrary to law.
3. On the other hand, learned State Counsel would submit that jurisdiction of the Criminal Court is barred as proceeding for confiscation of the said vehicle has already been initiated by the Collector. He would place reliance upon the decision of this Court passed in **Anil Kumar Narmada Vs. State of**

C.G.¹.

4. I have heard learned counsel appearing for the parties and perused the impugned order.
5. The revisional Court has clearly recorded a finding that the fact of initiation of confiscation proceeding has already been informed by the Collector (Confiscating Authority) to the Magistrate having jurisdiction and therefore, in view of Section 47-D of the Act of 1915, jurisdiction of the Court to grant custody of the vehicle is barred.
6. Similar proposition has been laid down by this Court in **Anil Kumar Narmada** (supra).
7. In view of that, I do not find any ground to interfere with the order of the revisional Court. Accordingly, the petition deserves to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-