

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 747 of 2017**

- Chandraprakash Puroshotam S/o Puroshotam Lohkare, Aged About 48 Years
R/o Atasha Devi Colony, Ward No. 5, Varud Vardha, District Vardha,
Maharashtra. (Registered Owner Of Seized Vehicle M H 32 C 4605)

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Nagarnar, District Jagdalpur,
Chhattisgarh.

---- Respondent

For Petitioner : Shri Ravi K. Bhagat, Advocate.

For Respondent/State : Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/09/2017**

Heard.

1. It is submitted by learned counsel for petitioner that petitioner is registered owner of Car bearing registration No.MH-32C 4605, which was seized in connection with offence under Section 20B of NDPS Act in the jurisdiction of PS-Nagarnar, District-Jagdalpur. The persons occupying the car were found in possession of the contraband and they are prosecuted for the same. Petitioner has no connection with crime committed. He is owner of said vehicle which is financed through Shriram Finance Company and the accused persons in the case had hired the car without informing the petitioner about the purpose they intended to use the car. Petitioner moved an application under Section

457 before the Special Court under NDPS Act, Bastar (Jagdalpur). The application was rejected by the impugned order dated 2.6.2017. Being aggrieved by that order this petition has been brought with a prayer to quash the impugned order and grant relief to the petitioner.

2. Learned counsel for respondent/State submits that petitioner had option of filing a criminal revision before this Court instead of that he has made this prayer under Section 482 of Cr.P.C.. It is further submitted that there is no infirmity in the order passed by the trial Court. Hence, the petition may be rejected.
3. Heard both the parties and perused the material on record.
4. As per the submissions made, petitioner is not involved in the offence committed and he is the owner of the vehicle under seizure. There is no bar to entertain such petition under Section 482 of Cr.P.C. although the petitioner should have preferably invoked the revisional jurisdiction of this Court, but instead of directing the petitioner to repeat this exercise, it would be appropriate to decide this petition on the basis of the material on record.
5. Considering the fact that petitioner is the registered owner of the vehicle in question and he has no connection with the offence committed, order for interim custody may be granted in his favour by imposing suitable conditions. Hence, this petition is allowed at the motion stage. The trial Court is directed to make an assessment of the seized car and order for furnishing bond and *Supurdnama*, on furnishing of such bond and *Supurdnama* the vehicle in question may be released with condition that the petitioner shall not transfer or change the description of the vehicle. He shall produce the said vehicle before the Court below as and when

directed during the course of the trial.

6. Accordingly, the petition stands disposed off.

Sd/-
(**Rajendra Chandra Singh Samant**)
JUDGE

Nisha