

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.125 of 2018

Kamlesh Mohan Seth, s/o Shri Sundar Lal Seth, aged about 40 years, R/o House No.MIG-B/55, Sector-B, Sonagiri, Bhopal, M.P. (Registered owner of vehicle No.MP 04 TA 1994)

---- Applicant

versus

The State of Chhattisgarh through P.S. Nagarnar, District Jagdalpur, Chhattisgarh

--- Respondent

For Applicant	:	Shri Malay Kumar Bhaduri, Advocate
For Respondent	:	Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

12.4.2018

1. The revision has been preferred against the order dated 20.11.2017 passed by the Special Judge under the Narcotic Drugs and Psychotropic Substances Act (henceforth 'the Act'), Jagdalpur, whereby the Special Judge has rejected the application for custody of the seized vehicle Tavera bearing registration No.MP 04 TA 1994.
2. Learned Counsel appearing for the Applicant submits that the Applicant is the registered owner of the vehicle in question and he is carrying a business in the name of Friends Cyber Cafe and Rudra Travels. He had engaged Onkar Singh alias Raju as a driver to driver the said vehicle. Onkar Singh used to drive the vehicle as well as carry the passengers on hire as the Applicant is engaged in the business of giving the vehicle on hire. On 6.10.2017, driver Onkar Singh, without intimating the Applicant, took away the vehicle. When he did not return with the vehicle to the house of the Applicant, the Applicant, under the compelling

circumstances, lodged a missing report of the vehicle in Police Station Piplani, Bhopal on 8.10.2017. On 9.10.2017, the Applicant received a message that illegal Ganja was found in his vehicle and the vehicle has been seized. He further submits that there is no involvement of the present Applicant in the alleged offence. The Applicant is only the registered owner of the vehicle in question. If the vehicle is kept in an open place, it may be damaged. Therefore, the Applicant may be given/returned his vehicle on supurdnama.

3. Learned Counsel appearing for the State/Respondent opposes the arguments advanced on behalf of the Applicant and submits that at the time of incident, which took place on 7.10.2017, 3 accused persons were sitting in the vehicle of the Applicant and from their possession total 45 Kgs. of Ganja was seized and thereafter the present Applicant, for his safety, lodged the missing report of the vehicle.
4. Considering the arguments advanced and the fact that the Applicant is the registered owner of the vehicle in question and he has no connection with the offence alleged, further considering that if the vehicle is kept in an open place it may be damaged, there is no case pending regarding confiscation of the vehicle, I am inclined to direct for interim custody of the vehicle in favour of the Applicant by imposing suitable conditions.
5. Accordingly, the revision is allowed in the following terms. On the Applicant's furnishing a supurdnama for a sum of Rupees Five Lakhs with a solvent surety of the like sum to the satisfaction of the concerned Trial Court, the vehicle Tavera bearing registration

No.MP 04 TA 1994 be released in his favour with conditions that (i) he shall not transfer ownership of the vehicle, (ii) he shall not change description of the vehicle and (iii) he shall produce the vehicle as and when directed by the Trial Court.

Sd/-
(Arvind Singh Chandel)
Judge