

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 146 of 2018**

Puniram Sahu S/o Chaitram Sahu, aged about 34 years, R/o Barpara Kohdih Ward No. 16, Korba Distt. Korba (C.G.).

----Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Dharamjaigarh, Distt. Raigarh (C.G.).

---- Respondent

For Applicant	:	Mr. Amit Kumar, Advocate
For Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

11/10/2018

1. By way of the present Criminal Revision filed under Section 397 read with 401 of Cr.P.C., the applicant has challenged the order dated 30/11/2017 passed by Special Judge (NDPS), Raigarh in Criminal Case No. 06/2017, whereby the application of the applicant for releasing the vehicle on Supurdnama was rejected.
2. Brief facts of the case are that it is alleged that on 05/08/2017 accused- Aman Shukla and Teras Ram Patel were found in transporting 38.900 kg contraband (Ganja) in the vehicle bearing registration No. CG12 R 5191. On the basis of that offence has been registered and the vehicle was seized. The applicant herein submitted an application under Section 451 of Cr.P.C on the grounds that he is the owner of the said seized vehicle and he was not involved in the said offence. His application was rejected by the Special Judge (NDPS). Hence, this revision.
3. Learned counsel for the applicant submits that the applicant is the

registered owner of the vehicle which was alleged to be involved in commission of crime. There is no involvement of the present applicant in the alleged offence. He further submits that the seized vehicle of which the applicant is registered owner is lying idle and no fruitful purpose would be served if the vehicle remains idle in the custody of the police personnels exposed to the extreme weather conditions. The vehicle would get decayed day by day and would further deteriorate by passage of time to the extent that it would become unusable after some time and therefore in the interest of justice the vehicle may be released.

4. Learned counsel appearing on behalf of the State opposes the claim of the applicant.
5. I have heard learned counsel for the parties and perused the material available on record.
6. Considering the fact that the applicant is the registered owner of the seized vehicle and also taking note of the fact that the confiscation proceeding has not been started, no useful purpose would be served if the seized vehicle is allowed to get exposed in the extreme weather conditions at the police station. On the contrary, if the vehicle can be released to the applicant subject to certain conditions he can use it so that the vehicle does not become junk after some time.
7. For the foregoing reasons, the impugned order rejecting the application for releasing of the seized vehicle on Supurdnama is not proper and the same is set-aside.
8. It is directed that the seized vehicle belonging to the applicant i.e. Scorpio bearing registration No. CG12-R-5191 be released to the applicant upon

his furnishing a personal bond of Rs. 10,00,000/- with one surety to the satisfaction of the concerned 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 course of investigation, trial and even at the appellate stage. He shall further undertake to produce the vehicle to any competent authority under different statutes as and when required.

9. With the aforesaid observations, the Criminal Revision is allowed.

Sd/-
(Arvind Singh Chandel)
Judge