

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 418 of 2018**

Anuj Jaiswal, S/o. Sadhram Jaiswal, Aged About 37 Years, Caste- Jaiswal,  
R/o. Pantora, P.S. Baloda, District- Janjgir-Champa, Chhattisgarh.

---- **Petitioner**

**Versus**

State Of Chhattisgarh, Through- The District Magistrate, District- Janjgir-  
Champa, Chhattisgarh.

---- **Respondent**

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For Petitioner : Mr. N.K.Chatterjee, Advocate

For State : Mr. Sangharsh Pandey, Dy. Govt. Advocate  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**16.05.2018**

Heard

1. The present petition is against the dismissal of the application for custody of the vehicle involved in an offence under Section 34(1) (A) of the Excise Act.
2. Reply of the State would show that the confiscation proceeding has commenced and the revisional Court by its order at para 10 has observed that the Court trying the offence under Section 34(1) (A) of the Excise Act has received the information about the confiscation proceeding as contemplated under Section 47(A) sub Section 3(A), therefore, the bar of Section 47(D) of the Excise Act will apply, which takes out the jurisdiction of the Court to grant custody of the vehicle. In view of this, the order dated 31.01.2018 do not call for any interference. The petitioner shall be at liberty to move suitable application before the Collector who is ceased with the confiscation proceeding, if so advised.
3. With such observation, the petition stands disposed of.