

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 540 of 2018

Fayum Ali, S/o. Kayum Hussian, Aged About 28 Years, R/o. Takhatpur Allah Urf Nanker, Police Station Mainathar, District Muradabad, Uttar Pradesh.

---- **Petitioner**

Versus

State Of Chhattisgarh, Through : District Magistrate, Ambikapur, District Surguja, Chhattisgarh.

---- **Respondent**

For Petitioner : Smt. Hamida Siddiqui, Advocate

For Respondent : Shri Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.03.2018

Heard

1. The present petition is against the order dated 06.02.2018 whereby an application under Section 457 of Cr.P.C. to release the vehicle was dismissed.
2. Perusal of the order would show that the vehicle was seized on 14.12.2017. According to Section 6 (3) of the Chhattisgarh Agricultural Cattle Preservation Act, 2004, the vehicle or conveyance so seized shall not be released by the order of the court on bond or surety before the expiry of six months from the date of such seizure or till the final judgment of the court, whichever is earlier and such vehicle shall also be liable for confiscation at the end of the trial. It appears that six months have not been elapsed. Consequently, the petition filed for custody appears to be premature. Therefore, I do not find any illegality in the order passed by the learned Court below.

3. In the result, the petition is dismissed at the admission stage itself.
The petitioner shall be at liberty to move an application for custody of the vehicle after the appropriate time.

Sd/-
(Goutam Bhaduri)
Judge

Ashok