

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No.191 of 2018**

- Krishna Kumar Sahu S/o Mohan Lal Sahu Aged About 55 Years R/o Near Baba Ramdev Mandir , Ganjpara Durg Tahsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Home (Police) Department Mahanadi Bhawan Mantralaya New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Collector Durg District Durg Chhattisgarh., District : Durg, Chhattisgarh
3. The Station House Officer , Police Station Pulgaon District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- **Respondents****PRESENT:-**

Shri B. P. Singh, counsel for petitioner/s.
Shri Ashish Shukla, Dy.AG for State.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****27/09/2018**

1. This petition is directed against order dated 15-02-2018 passed by the Confiscating Authority, by which, the petitioner's application for interim custody of the vehicle is rejected.
2. Learned counsel for the petitioner submits that in the matter of alleged commission of offences under the Excise Act in Crime No.530 of 2017 was registered by the Police Station Pulgaon against certain accused. Later on, the criminal case has resulted in acquittal, but simultaneously confiscation proceedings have been drawn by the Confiscating Authority under the Excise Act and the application for release of the vehicle has been rejected. He next

submitted that the petitioner is not one of the accused in the criminal case, but he is the registered owner of the vehicle. It is further submitted that if the vehicle is not released on interim custody, the same is likely to rot and therefore, no purpose would be served, whereas interim custody may be granted with appropriate conditions which the petitioner shall duly abide.

2. On the other hand, learned State counsel opposed the prayer by submitting that the Confiscating Authority has rejected the application on prima facie consideration that the vehicle was used in carrying illegal transportation of liquor.

3. Having considered the submission of learned counsel for the parties, particularly taking into consideration that the petitioner is the registered owner of the vehicle and he has not transferred the ownership of the vehicle as also he was not alleged to be involved in the criminal case and that if the vehicle is not released on interim custody, the said vehicle is likely to rot, the application for grant of interim custody of the vehicle is allowed, however, with the conditions that the petitioner shall furnish appropriate surety and personal bond, as may be directed by the Confiscating Authority for keeping the vehicle in proper condition, in which, he received the vehicle and to produce the same before the Confiscating Authority, as and when directed. Moreover, the State would be at liberty to apply for cancellation of the order of interim custody, in case, the vehicle is again found to be used in commission of similar offence.

4. In view of above, this petition is finally disposed off.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E