

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1607 of 2017**

Jivrakhan Yadav S/o Shri Solukhu Yadav Aged About 49
Years R/o Village Hathibahra, P. S. And Tahsil Baghbahra,
District Mahasamund Chhattisgarh , Chhattisgarh

--- Petitioner

Versus

State of Chhattisgarh P. S. Khallari, District Mahasamund
Chhattisgarh , Chhattisgarh

--- Respondent

For the petitioner	:	Shri J. A. Lohani, , Advocate.
For the State	:	Shri Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**ORDER****07-02-2018**

1. The instant petition is against the order dated 16.10.2017 passed by the Sessions Judge, Mahasamund in Criminal Revision Case No. H/63/2017 whereby the revisional Court has affirmed the order dated 18.09.2017 passed by the JMFC, Mahasamund in Criminal Case No. 166/2017 whereby the application to release the vehicle on Suprudnama has been dismissed.
2. As per the prosecution case on receipt of information on 04.09.2017 that certain cattle are being transported to slaughter house in Tata Vehicle bearing No. C.G. 06-GD/9881 the same was seized and the offence u/ss 4, 6, 10 of the C.G. Krishi Pashu Parikshan Adhiniyam, 2004 was registered.
3. Learned counsel for the petitioner would submit that as per sub-section 3 of section 6 of the Act, 2004 the statutory bar lies and operate only for a period of six months and in the instant case, since the vehicle was seized on 04.09.2017 the period of six months will have to expire on 03.03.2018 and there is no bar created under the Act to release the vehicle and if the vehicle is

kept in police custody it will lose its road worthiness and motorable condition. Therefore the vehicle which belonged to the petitioner may be released to his custody.

4. Perused the order dated 16.10.2017 wherein the application to release the vehicle was dismissed.

5. Sub-section 3 of Section 6 of the Act, 2004 is relevant here and quoted below :

“6 (3). The vehicle or conveyance so seized under sub-section (2) 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.”

6. A perusal of the language of section 6 (3) would show that the vehicle so seized under this Act 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 final judgment. Therefore, the order under challenge does not require interference by this Court as it appears to be in conformity with section 6 (3) of the Act.

7. It is not in dispute that the vehicle was seized on 04.09.2017 and the bar of Section 6(3) of the Act would apply in this case. The period of six months may expire after 3rd March 2018. In view of the same, the petitioner, if so advised, may move application seeking custody of the vehicle before the court below after expiry of six months.

8. With such observation, this petition stands disposed of.

Sd/-
(GOUTAM BHADURI)
JUDGE