

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 897 of 2018**

Indramani Sahu S/o Shri Krupa Sindhu Sahu Aged About 65 Years R/o-  
Plot No. 168, Bomikhal, Rasulgarh, Bhubaneswar, District- Khordah,  
(Odissa). **---- Petitioner**

**Versus**

State Of Chhattisgarh Through- P.S.- Sirgitti, District- Bilaspur,  
Chhattisgarh. **---- Respondent**

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For Petitioner:

Shri Vinod Kumar Tekam, Advocate

For State/Respondent:

Shri Vaibhav A. Goverdhan, P.L.

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**Single Bench: Hon'ble Shri Ram Prasanna Sharma, J**

**Order On Board**

**27.10.2018**

1. This petition has been filed under Section 482 of the Criminal Procedure Code, 1973 being aggrieved by the order dated 02.04.2018 passed by the Special Judge under the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act, 1985') in Special Case No. 13/18, whereby it rejected the application for interim custody of the vehicle seized in the said case.

2. Innova Car bearing registration No. OD02Y-1987 is seized in connection with Crime No. 393/2017 by the police station Sirgitti.

3. Learned counsel for the petitioner submits that keeping the vehicle in the police station will not serve any purpose, therefore, the same may be released during the pendency of the case.

4. On the other hand, learned State counsel opposes the contentions made by the Petitioner. Though after proof of offence under the NDPS Act, 1985 the vehicle is liable to be confiscated under Sections 60 and 63 of the

NDPS Act, 1985, but the fact remains that trial will take sufficient time. In the matter of **"Sunderbhai Ambalal Desai Vs. State of Gujarat"** reported in **(2002) 10 SCC 283**, it is held that keeping the vehicle in stationery position at the police station Sirgitti would not serve any purpose except the decay of its value, therefore, interim custody of the vehicle can be handed over. Looking to the facts and circumstances of the case, the Petition is allowed.

5. The vehicle (Innova Car) is directed to be released to the Petitioner, who is the registered owner of the said vehicle, on the following conditions:-

(i) Photographs of the vehicle should be taken before handing over the vehicle and the Petitioner will produce the same at the time of trial, if required.

(ii) A personal bond of Rs. 5,00,000/- (Rs. Five Lakhs only) with one surety in like sum to be submitted before the Special Judge, NDPS Act, 1985, Bilaspur.

Sd/-  
(Ram Prasanna Sharma)  
**JUDGE**