

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1283 of 2018

- Umeshwar Dubey S/o Late Vishwanath Dubey Aged About 62 Years R/o Mohalla, Mayapur, Near Shivmandir, P.S. Ambikapur, District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ambikapur, District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondents

For Petitioner	:	Shri Akhtar Hussain, Advocate
For State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/09/2018

This petition is directed against rejection of petitioner's application for grant of interim custody of vehicle (a car, make Maruti 800).

2. The vehicle in question is alleged to be involved in transportation of R.C. Cough Syrup, (psychotropic substance) without the authority of law. The petitioner is the owner of the vehicle and the same has been registered in his name.

3. The application for interim custody was rejected by the Trial Court on the consideration that the vehicle appears to be involved in commission of offence under the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. Learned counsel for the petitioner would submit that the petitioner is not one of the co-accused and it is the case of the prosecution that the petitioner's son was involved. Relying upon the judgment of the Supreme Court in the case of **Ashok Kumar v. State of Bihar and ors. (2001) 9 SCC 718**, it has been submitted that at present, it is not necessary to keep the vehicle in the custody indefinitely for a long time till disposal of the case. Unless there is a strong case, ordinarily custody ought to be granted.

5. On the other hand, looking to the involvement of the vehicle in transportation of narcotics substance, the application has been rightly rejected.

6. Taking into consideration the material, particularly taking into consideration that the petitioner is not one of the accused and he is the registered owner of the vehicle alleged to be involved in the case and that it is of no use to allow the vehicle to rot in the custody till conclusion of trial, the petition is allowed.

7. The vehicle involved shall be released in favour of the petitioner by way of interim custody on such terms and conditions as may be directed by the Magistrate / Trial Court.

Sd/-
(Manindra Mohan Shrivastava)
Judge