

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 1246 of 2018**

Chhatram S/o Lacchiram Kashyap Aged About 34 Years R/o- Bandhabra,
Near The Pond, Main Road, P.S.- Birra, District- Janjgir-Champa,
Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Appellant**Versus**

State Of Chhattisgarh Through- Station House Officer, P.S.- Birra, District-
Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Appellant : Ms. Aditi Singhvi, Advocate.

For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.08.2018**

Heard.

1. This appeal has been preferred against the judgment dated 11.8.2017, passed by the Learned Special Judge under the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act, 1985'), Janjgir-Champa, Chhattisgarh, in NDPS Case No. 44 of 2016 with respect to disposal of the property seized.
2. Learned counsel for the appellant submits that the appellant had not submitted any claim on the motorcycle before the trial Court but the same was seized which should have been returned to him consequent to conclusion of trial by way of his acquittal. Hence, this appeal.
3. On the other hand, learned counsel for the State opposes and submits

that the appellant has a remedy to move an application before the trial Court to obtain the vehicle under seizure. As it is clearly mentioned in the judgment that nobody has claimed the ownership of the motorcycle, this appeal is not maintainable.

4. Considered the contents of the impugned judgment in which it is specific that no claim was made regarding the seized motorcycle. Hence, after due consideration, this appeal is disposed off with a direction that the appellant is at liberty to move an application before the concerned Court making a prayer for disposal of seized property in his favour.

5. Accordingly, the appeal is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge