

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 907 of 2018**

Dharmraj Vilas Shinde, S/o Vilas Shinde, aged about 25 years, R/o Loni, Chapdhgaon Road, Chapdhagaon, P.S. Karjan, District- Ahmed Nagar Mahaarashtra

----Applicant**Versus**

State of Chhattisgarh, through the Police Station Keshkal, District- Kondagaon (C.G.).

---- Respondent

For Applicant	:	Mr. Shobit Koshta, Advocate
For Respondent	:	Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

03/10/2018

1. By way of the present Criminal Revision filed under Section 397 read with 401 of Cr.P.C., the applicant has challenged the order dated 21/06/2018 passed by Special Judge (NDPS), Kondagaon in Supurdnama Application No. 02/2018, whereby, the application of the applicant for releasing the vehicle on Supurdnama was rejected.
2. Brief facts of the case are that on 21/02/2018 an information was received from the informant that one car bearing registration No. MH 14 BK 0652 was found in suspicious condition and smell of Ganja was coming from that. On the basis of said report, the police reached the spot and found 109.108 kg Ganja in the said vehicle. The applicant is the owner of the said vehicle. He made an application for releasing the said vehicle on Supurdnama which was rejected by the learned trial Court only on the grounds that the applicant did not lodge any report in the Keshkal police station and is not cooperating in the investigation which is

still incomplete. Thus, this revision.

3. Learned counsel for the applicant submits that the applicant is the registered owner of the vehicle which was alleged to be involved in commission of crime. He further submits that on 15/12/2018, he made a complaint to the concerned Police Station at Mahasamund stating inter-alia that his ford car bearing registration No. MH 14-BK-0652 has been stolen by some unknown person on 14/02/2018. Subsequently, on 21/02/2018, his vehicle was found in vacant condition possessing the said Ganja. The vehicle was carrying the said Ganja was not within the knowledge of the applicant. He had lodged a report of theft. There is no involvement of the present applicant in the alleged offence. He further submits that the seized vehicle of which the applicant is registered owner is lying idle and no fruitful purpose would be served if the vehicle remains idle in the custody of the police personnels exposed to the extreme weather conditions. The vehicle would get decayed day by day and would further deteriorate by passage of time to the extent that it would become unusable after some time and therefore in the interest of justice the vehicle may be released.
4. Learned counsel appearing on behalf of the State opposes the claim of the applicant.
5. I have heard learned counsel for the parties and perused the material available on record.
6. Considering the fact that the applicant is the registered owner of the seized vehicle and also taking note of the fact that the confiscation proceeding has not been started, no useful purpose would be served if

the seized vehicle is allowed to get exposed in the extreme weather conditions at the police station. On the contrary, if the vehicle can be released to the applicant subject to certain conditions he can use it so that the vehicle does not become junk after some time.

7. For the foregoing reasons, the impugned order rejecting the application for releasing of the seized vehicle on Supurdnama is not proper and the same is set-aside.
8. It is directed that the seized vehicle belonging to the applicant i.e. ford car bearing registration No. MH-14-BK-0652 be released to the applicant upon his furnishing a personal bond of Rs. 3,00,000/- with one surety to the satisfaction of the concerned Court below for return of the said vehicle, if required at any point of time. In the bond he shall give an undertaking that he shall not change the ownership of the vehicle nor shall he change the colour of the vehicle neither shall he create a third party right or interest over the said vehicle. He shall also undertake that he shall produce the vehicle as and when required by the prosecution during course of investigation, trial and even at the appellate state. He shall further undertake to produce the vehicle to any competent authority under different statutes as and when required. So far as surety is concerned, it shall be equal to the present day value of the vehicle seized or to the satisfaction of the concerned Trial Court.
9. With the aforesaid observations, the Criminal Revision is allowed.

Sd/-
(Arvind Singh Chandel)
Judge