

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1046 of 2018**

Soubhagya Kumar Behara S/o Udainath Behara, aged about 47 years, Caste-Sundi, R/o Talpandipara Balangir, Distt Balangir (Orissa).

----Applicant

Versus

State of Chhattisgarh, Through P.S. Dharbha, Jagdalpur, Distt. Bastar (C.G.)

---- Respondent

For Applicant	:	Mr. Vikash A. Shrivastava, Advocate
For Respondent	:	Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

23/10/2018

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 25/08/2018 passed by Special Judge (NDPS), Jagdalpur in Crime No. 37/2018, Police Station- Dharbha, whereby the application of the applicant for releasing the vehicle on Supurdnama was rejected.
2. Brief facts of the case are that on 03/08/2018 on the basis of information received from the informant, vehicle Maruti Suzuki Dzire bearing registration No. OD03-E-6755 was searched by the Investigating Officer, who seized total 110 Kg contraband (Ganja) from the possession of accused- Krishna Manji and Nilima Bairagi. The vehicle was seized. The applicant, being a registered owner of the vehicle, moved an application for releasing the vehicle on Supurdnama, which was rejected vide order dated 25/08/2018. Hence, 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. The applicant sent his vehicle to take his friend's wife on 01/08/2018 and when the driver of the vehicle did not return from there, the applicant tried to contact with him, but he failed to contact with him. On 02/08/2018, the applicant informed the police in this regard. Thereafter, on 03/08/2018, the vehicle was seized from the accused persons. He further submits that there was no involvement of the present applicant in crime in question. 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. Maruti Suzuki Dzire bearing registration No. OD03-E-6755 be released to the applicant upon his furnishing a personal bond of Rs. 6,00,000/- with one local 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, he shall not change the colour of the vehicle and 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 stage. He shall further undertake to produce the vehicle to any competent authority under different statutes as and when required.
9. With the aforesaid observations, the Criminal Revision is allowed.

Sd/-
(Arvind Singh Chandel)
Judge