

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1183 of 2018**

Aman Kumar Singh S/o Shri Bijendra Singh, aged about 23 years R/o Shantipara Mahuapara Gandhinagar, Thana Gandhinagar, Civil & Revenue Distt. Surguja (C.G.).

----Applicant

Versus

State of Chhattisgarh, Through District Magistrate Ambikapur, Distt. Surguja (C.G.).

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

16/11/2018

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 09/07/2018 passed by Special Judge (NDPS), Ambikapur in Criminal Case No. 05/2018, whereby the application of the Applicant for releasing the vehicle on Supurdnama was rejected.
2. Brief facts of the case are that on 03/02/2018 on the basis of information received from the informant, the police made a search of vehicle bearing registration No. CG15 CX 9705 and seized 6.200 Kg contraband (Ganja) from the possession of Vijendra Singh, father of the present Applicant. The vehicle was also seized. The Applicant, being owner of the said vehicle, filed an application for releasing the said vehicle on Supurdnama, which was rejected vide impugned order dated 09/07/2018. 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. He further submits that there was no involvement of the present Applicant in crime in question. No confiscation proceeding has been started. The seized vehicle of which the Applicant is registered owner is lying idle since 03/02/2018 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 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. Bajaj Pulsar bearing registration No. CG15 CX 9705 be released to the Applicant upon his furnishing a personal bond of Rs. 50,000/- 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 he shall not create a third party right or interest over the said vehicle. He shall also undertake in the bond 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