

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No. 221 of 2019**

Neeraj Ankesh, aged about 29 years S/o Jagdish Prasad R/o Ward No. 6,  
Pandav Nagar, behind stadium, Shahdol, District Shahdol (M.P.)

**----Applicant****Versus**

State of Chhattisgarh through the Station House Officer, Police Station Kanker,  
District North Bastar Kanker (C.G.)

**---- Respondent**


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| For Applicant  | : | Mr. Sanjeev Kumar Sahu, Advocate      |
| For Respondent | : | Mr. K.K. Dewangan, Dy. Govt. Advocate |

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**Hon'ble Shri Justice Arvind Singh Chandel****Order on Board****16/05/2019**

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 07/12/2018 passed by Special Judge (NDPS), District North Bastar in Special Case No. 40/2019, whereby the application of the applicant for releasing the vehicle on Supurdnama was rejected.
2. As per prosecution story, on 14/07/2018 on the basis of secret information received from the informant, the vehicle bearing registration No. MP20 CG 1573 was stopped and searched by the police official. On being searched, total 75 Kg of cannabis was found in the dicky of the said car. The said Ganja was seized from accused persons namely Sumitra Gupta and Bhupendra Sen. The vehicle was also seized. Being owner of the vehicle, the Applicant moved an application for interim custody of the said vehicle before the Appellate Court, which has been dismissed vide impugned order dated 07/12/2018. 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 there is no involvement of the Applicant in the crime in question. The seized vehicle of which the Applicant is registered owner is lying idle in the police station 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 there was no involvement of the Applicant in crime in question and 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 Ertiga bearing registration No. MP20 CG 1573 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**