

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 370 of 2019**

Sobрати S/o Sakub, aged about 46 years, Occupation- Agriculture, R/o Village Mahuwadih, P.S. and Tahsil Shankargarh, District Balrampur (C.G.)

----Applicant**Versus**

1. State of Chhattisgarh, Through P.S.- Rajpur, District Balrampur-Ramanujganj (C.G.).
2. Deepak Kumar Tirkey S/o Bhajan Ram Tirki, aged about 23 years R/o village Sarima, P.S. Shankargarh, District Balrampur Ramanujganj (C.G.).

---- Respondents

For Applicant	:	Mr. A.K. Prasad, Advocate
For Respondent No. 1	:	Mr. V.K. Agrawal, PL
For Respondent No. 2	:	Mr. Govind Dewangan, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****24/04/2019**

1. This revision has been filed against order dated 22/01/2019 passed in Special Sessions Case (NDPS) No. 01/2019 by the Second Additional Sessions Judge, Ramanujganj District Balrampur to the Court of Additional Sessions Judge, Ramanujganj, whereby the learned Sessions Judge dismissed the application of Applicant and Respondent No. 2 for grant of custody of vehicle Bolero bearing registration No. CG 15 B 2737.
2. As per prosecution story, a trial is going on against accused persons Parvej Alam, Shamshaad Ansari and Anwar Khan for the offence punishable under Section 20 (b) of the NDPS Act. It is alleged that the alleged vehicle Bolero was engaged in transportation of cough syrup. It is alleged that the accused persons came in a bus with prohibited cough

syrops and after take off from the bus, they all were going in the said vehicle. The vehicle was stopped and seized. Respondent No. 2 Deepak is registered owner of the said vehicle. The Applicant had purchased the said vehicle from Respondent No. 2, however, ownership of the said vehicle has not been transferred. Both of them have preferred an application for releasing the said vehicle on Supurdnama before the Sessions Court, which has been rejected. Thus, this revision.

3. Learned counsel for the Applicant submits that Respondent No. 2 is registered owner of the said vehicle and the same has been sold to the Applicant. There is no involvement of the Applicant in crime in question. The seized vehicle which the Applicant has purchased 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. Learned Counsel appearing on behalf of Respondent No. 2 submits that he has no objection, if the vehicle is released on Supurdnama to Applicant No. 1.
6. I have heard learned counsel for the parties and perused the material available on record.
7. Considering the fact that the Applicant had purchased the said vehicle

and also taking note of the fact that 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.

8. 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.
9. It is directed that the seized vehicle which the Applicant has purchased i.e. Bolero bearing registration No. CG15 B 2737 be released to the Applicant upon his furnishing a personal bond of Rs.3,00,000/- with one surety of the like amount 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 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.
10. With the aforesaid observations, the Criminal Revision is allowed.

Sd/-
(Arvind Singh Chandel)
Judge