

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.583 of 2019**

Sheikh Jamil, son of Mohd. Sheikh, aged about 40 years, R/o Plot No.1/C, Adiwasi Nagar, Chikhle Layout, Nagpur (M.S.) - 440035

---- Applicant

versus

State of Chhattisgarh through the Station House Officer, Police Station Kotwali, Chowki Bastar, District Bastar, Chhattisgarh

---- Respondent

For Applicant	:	Shri Praveen Dhurandhar, Advocate
For Respondent	:	Shri K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****17.5.2019**

1. This revision is directed against the order dated 9.1.2019 passed by the Special Judge under the Narcotic Drugs and Psychotropic Substances Act (henceforth 'the Act'), Bastar at Jagdalpur in Special Case No.19 of 2018, whereby the application filed by the present Applicant under Section 452 of the Code of Criminal Procedure for temporary custody of his vehicle bearing registration No.MH 26 V 2169 has been rejected.
2. An offence under Section 20(b) of the Act has been registered against accused Irshad Ali and other person by Police Chowki Bastar, Police Station Kotwali relating to Crime No.107 of 2018. Allegedly, the accused persons were transporting illegal contraband Ganja in the said vehicle of the Applicant and, therefore, the vehicle has been seized. Being owner of the vehicle, the Applicant filed an application for supurdnama of the

vehicle, which has been rejected vide the impugned order dated 9.1.2019. Hence, this revision.

3. Learned Counsel appearing for the Applicant submits that the Applicant is a registered owner of the seized vehicle. He had no knowledge of transportation of illegal contraband Ganja in the vehicle. Ganja was not seized from the possession of the present Applicant. He had given the vehicle to accused Irshad Ali on rent by executing a rent agreement on 15.1.2018. The vehicle is kept idle in an open place in the police station since 15.3.2018. Engine of the vehicle is likely to become out of order. No proceeding for confiscation of the vehicle is pending.
4. Per contra, Learned Counsel appearing for the State/Respondent supports the impugned order.
5. I have heard Learned Counsel appearing for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, particularly that the vehicle is kept idle in an open place of the police station since 15.3.2018, no proceeding relating to confiscation of the vehicle is pending and value of the vehicle may be depreciated on its remaining kept unused for long, I am inclined to allow the present revision and release the vehicle on supurdnama.
7. Accordingly, the revision is allowed. The vehicle bearing registration No.MH 26 V 2169 be released in favour of the present Applicant on a supurdnama on furnishing a surety in the sum of Rupees Five Lakhs to the satisfaction of the concerned Trial Court with the following conditions that during pendency of the trial—

- (i) No third party transfer of the vehicle shall be done by the Applicant,
- (ii) Paint and look/design of the vehicle shall not be changed and
- (iii) Whenever order for submission of the vehicle is issued, the same shall be complied with on time.

Sd/-

(Arvind Singh Chandel)
Judge