

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 1543 of 2019**

Bharat Kishore Gupta S/o Ramswaroop Gupta (correct name Ramroop Gupta), Aged about 38 years, R/o Byohari, Police Station Byouhari, Distt. Shahdol, Madhya Pradesh.

---Petitioner**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Gaurella, Distt. Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner	:	Mr. Rakesh Pandey, Advocate
For State	:	Mr. Mateen Siddiqui, Deputy Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

06/11/2019

1. Petitioner's application for release of his seized vehicle for offence under Section 4, 6 and 10 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004 has been rejected by learned judicial Magistrate in view of the bar contained under Section 6 (3) of the Act of 2004 and has been upheld by the revisional Court against which this criminal miscellaneous petition under Section 482 of the Cr.P.C. has been preferred by the petitioner.
2. Learned counsel for the petitioner would submit that now the bar under Section 6 (3) of the Cr.P.C. has already come to an end, therefore, he is entitled for the interim custody of this seized vehicle.
3. Learned State counsel would oppose the submission made by learned counsel for the petitioner.

4. I have heard learned counsel for the parties at length.
5. Taking into consideration the fact that by virtue of the bar contained under Section 6 (3) of the Act of 2004, six month's period has already come to an end, petitioner is at liberty to move a fresh application for grant of custody of his seized vehicle before jurisdictional criminal Court which will be considered by the said Court strictly in accordance with law preferably within two weeks from the date of filing of that application without being influenced by the impugned order.
6. With the aforesaid direction, this Cr.M.P. stands disposed of. No cost(s).
7. A copy of this order be sent to the concerned jurisdictional Criminal Court by e-mail/fax for needful and compliance.

**Sd/-
(Sanjay K. Agrawal)
Judge**

Harneet