

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 973 of 2018**

Rajkumar Jangu S/o Shri Hari Singh Jangu, aged about 42 years R/o Ward No.1, New Rishi Nagar, Behind Shamshan Ghat, Hisar Haryana (C.G.).

----Applicant**Versus**

State of Chhattisgarh Through the Crime Branch, Gariyaband, District Raipur (C.G.).

---- Respondent

For Applicant	: Mr. Aditya Tiwari and Mr. Piyus Bhatia, Advocates
For Respondent	: Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

23/01/2019

1. By way of present Criminal Revision filed under Section 397 read with 401 of Cr.P.C., the Applicant has challenged order dated 06/08/2018 passed by the Special Judge (NDPS), Raipur in Criminal Case No. 44/2018, whereby the application of the Applicant for releasing vehicle on Supurdnama was rejected.
2. As per prosecution case, on the basis of information received from the informant on 22/05/2018, vehicles bearing Registration Nos. HR55-5-2066 Toyota Innova and HR10 T 3689 Maruti Swifti Dzire were searched by the police official. On search 102.700 kgs of Ganja from Innova and 47.400 Kgs of Ganja from Dzire was seized. Offence under Section 20 (B) of the NDPS Act was registered. The Applicant, being owner of vehicle bearing registration No. HR10 T 3689, made an application for releasing the vehicle on Supurdnama which was rejected by the learned trial Court. Thus, this revision.

3. Learned counsel for the Applicant submits that the Applicant is registered owner of the vehicle which was alleged to be involved in commission of crime. He further submits that the vehicle was carrying prohibited drugs was not within the knowledge of the Applicant. There is no involvement of the Applicant in the alleged offence. He further submits that the seized vehicle of which the Applicant is registered owner is lying idle in the police station since 22/05/2018 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 and submits that confiscation is subject matter of this case.
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 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 Swift Dzire bearing registration No. HR10 T 3689 be released to the Applicant upon his furnishing a personal bond of Rs.6,00,000/- with two local surieties each of Rs. 3,00,000/- 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.
9. With the aforesaid observations, the Criminal Revision is allowed.

Sd/-
(Arvind Singh Chandel)
Judge