

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 2040 of 2019**

Mohammad Akil, S/o Mohd. Nawab, Aged about 44 years, R/o Harmatganj, P.S. Sikndra, Rau, Distt. Hathras, Uttar Pradesh, Present Address Talapara, P.S. Civil Line, Distt. Bilaspur, Chhattisgarh.

---Petitioner/Applicant

Versus

State of Chhattisgarh, Through District Magistrate Bilaspur, Police Chowki Belgahna, P.S. Kota, Distt. Bilaspur, Chhattisgarh.

---- Respondent/Non-Applicant

For Petitioner	:	Mr. Ravindra Sharma, Advocate
For State	:	Ms. Anjali Singh Chouhan, Panel Lawyer

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

05/11/2019

1. Petitioner's application under Section 457 of the Cr.P.C. for custody of cattle seized on 30/05/2019 under provisions contained in Section 4, 6, 10 and 11 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004 (hereinafter, 'the Act') was rejected by the trial Court vide order 31/05/2019 and upheld by the revisional Court by order dated 07/06/2019 against which this criminal miscellaneous petition under Section 482 of the Cr.P.C. has been preferred by the petitioner.
2. Mr. Ravindra Sharma, learned counsel for the petitioner would submit that impugned order is absolutely unsustainable and bad in law.
3. I have heard learned counsel for the petitioner at length.

4. Section 6 (3) of the Act clearly enunciates that the vehicle or conveyance so seized under sub-section (2) shall not be released by the order of the court on bond or surety before the expiry of six months from the date of such seizure or till the final judgment of the court, which is earlier and such vehicle shall also be liable for confiscation at the end of the trial.
5. In the instant case, admittedly, petitioner's cattle (as claimed) was seized under Section 6 (2) of the Act on 30/05/2019 and six months' period has not yet expired, as such, his application under Section 457 of the Cr.P.C. for custody of seized cattle has rightly been rejected by both the Courts below. I do not find any merit in this petition. However, the petitioner is at liberty to move fresh application before the jurisdictional criminal Court for custody of seized cattle in accordance with law.
6. This Cr.M.P, being devoid of merits, deserves to be and is accordingly dismissed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge