

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1219 of 2019

Shri Sai Travels, Through Its Proprietor Nitin Kishore Abbuware S/o Kishore Abbuware, Aged About 23 Years, R/o Plot No. 12 G, Shiv Nagari, Ward No. 3, Balgaon, Kanti Road, Nagpur (M.H.), District : Nagpur, Maharashtra.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Tongpal, District Sukma Chhattisgarh.

---- Respondent

For the Applicant	: Mr. Pramod Ramteke, Advocate
For Respondent/State	: Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-12-2019

Heard.

1. This revision has been brought being aggrieved by the order dated 2.9.2019 passed by the Special Judge (NDPS Act), South Bastar, Dentewada, Chhattisgarh in Special NDPS Case No.26 of 2019 dismissing the application filed by the applicant under Section 457 of the Cr.P.C.
2. It is submitted by learned counsel for the applicant that the applicant is the registered owner of the vehicle bearing registration No.MH-40 BG-2991. The applicant handed-over the vehicle to one Abid Bhai Patel on the basis of a rent agreement on 15.4.2019. Copy of the same is filed herewith, which shows that the vehicle was duly handed-over to one on rent agreement and during the time when the vehicle was in the possession of Abid Bhai Patel the vehicle was seized in connection with transportation of contraband, for which this applicant has no

responsibility and it cannot be said that the offence committed is in the knowledge of the applicant. Therefore, the order rejecting the prayer of the applicant is bad in law. Hence, it is prayed that the revision be allowed.

3. Learned Counsel appearing for the respondent/ State opposes the submissions so made and submits that, the applicant and the said Abid Bhai Patel has not been examined by the Investigating Officer. There is no explanation as to for what reason the vehicle was used for transportation of contraband and without such explanation the applicant has no entitlement for grant of interim custody of the vehicle. Therefore, the revision petition be dismissed.
4. Heard both counsel for the parties and perused the material available on record.
5. On perusal of the case-diary, it is found that neither the applicant nor the said Abid Bhai Patel is the person who have been examined as witness in the police investigation, however, to give a proper opportunity to the applicant this petition is disposed of and the impugned order is set aside with the following direction:

'The applicant is given opportunity to present his case again for release on interim custody of the vehicle in his favour and the Learned Court is also directed to make an enquiry into the truth of the statement made by the applicant in his application before passing any order on the application filed by the applicant.'

6. Accordingly, the revision petition is disposed of.

Sd/-
(Rajendra Chandra Singh Samant)
Judge