

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1248 of 2019**

- Mohd. Taz S/o Mohd. Sharif, Aged About 33 Years, R/o Ward No. 7, Baniya Tola, Kotma, Police Station & Tahsil Kotma, District Anuppur (Madhya Pradesh)., District : Anuppur, Madhya Pradesh

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Sarangarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applciant

For Applicant : Shri Syed Imtiaz Ali, Advocate.

For State/Non-applciant: Shri Sudeep Verma, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16/12/2019

1. This revision petition has been brought challenging the correctness, legality and propriety of the order dated 31-08-2019 passed by the learned Special Judge (NDPS Act) District Raigarh (C.G.) in M.J.C. No.23/2019 rejecting the application of the applicant under Section 457 of the Cr.P.C.
2. It is submitted that the applicant is registered owner of Scorpio vehicle bearing registration No. MP 65-C/2472 and this vehicle was seized by Police Station Sarangarh, District Raigarh in Crime No.428/2018 which was bearing deceptive number plate, however, the applicant came to know that it is the same vehicle and then he applied for the interim custody before the Court below which has been rejected arbitrarily and erroneously.
3. It is submitted that the applicant is not the person from whom the

vehicle or contraband has been seized. The said vehicle is purchased on finance, therefore, the applicant is suffering hardship and he has no connection with the said offence committed. Hence, it is prayed that he may be granted interim custody.

4. Learned counsel for the State/Non-applicant opposes and submits that the applicant has criminal antecedent of one similar case under the N.D.P.S. Act registered against him in Police Station Kotma, District Anuppur (M.P.), therefore, if the vehicle is released, it may be again used for transportation of contraband, hence, the application be rejected.
5. Copy of registration certificate is produced along with the petition which shows that the applicant is registered owner of the vehicle bearing registration No. MP 65-C/2472. The applicant does not appear to be connected with the offence committed in the case registered by Police Station Sarangarh, District Raigarh, therefore, I am of this opinion that the applicant is entitled for interim custody. Hence, the petition is allowed. The impugned order is set aside and it is ordered that on furnishing of bonds according to the valuation assessed by the trial Court the vehicle shall be released on interim custody in favour of the applicant on condition that if subsequent to that, the vehicle is again found in transporting the contraband the same shall not be released on interim custody.
6. The petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
 Judge