

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 1203 of 2019

Ajay Pandey, S/o. Siyaram Pandey, Aged About 39 Years (aged about 69 is wrongly mention in impugned order) Through His Father Shri Siyaram Pandey, Son of Thakur Das Pandey, Aged 69 Years, R/o. Mauranipur, District Jhansi, Uttar Pradesh.

---- Petitioners

Versus

State Of Chhattisgarh, Through : The Police Station : Bhatgaon, District Balodabazar, Chhattisgarh.

-----Respondent

For Petitioner	: Ms. Supriya Upasne, Advocate
For Respondent/State	: Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/10/2019

1. This petition has been brought challenging the order dated 11.09.2019 passed by the Court of Special Judge (N.D.P.S.), Baloda Bazar rejecting the application under Section 457 of Cr.P.C. filed by the petitioner.
2. It is submitted that the petitioner is registered owner of the vehicle seized bearing registration No. C.G. 04 KR 6846. It is further submitted that the driver of the petitioner had borrowed the vehicle for conveyance of her sister, subsequent to which he went missing, because of which a missing report was lodged in Police Station Mahoba (U.P.) regarding theft of vehicle on 22.07.2019. Subsequent to

which, the petitioner came to know that his vehicle has been seized by the Police Station – Bhatgaon, District – Baloda Bazar in connection with transportation of Ganja. The petitioner then filed an application for interim custody of the vehicle of which he is registered owner but the same has been rejected arbitrarily by the Court concerned without considering the entitlement of the petitioner and also that the petitioner himself is not an accused in the case concerned. Hence, prayed that the petition be allowed.

3. State counsel opposes the application and submits that the vehicle was found in abandoned condition from which 8.15 Kg. Ganja has been found. As the petitioner himself is registered owner of the vehicle, therefore, his involvement in the said transportation of the Ganja can not be ruled out. There is possibility of initiation of proceeding for confiscation of vehicle also, therefore, prayed that the petition be dismissed.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. On 25.07.2019, Sub-Inspector G.S. Deshmukh from Police Station Bhatgaon received an information that one car is lying in abandoned condition. When he went to the spot, he found that in secret chamber of the said car 8.15 Kg. Ganja was present. Seizure of Ganja and the vehicle was made accordingly from the spot.
6. For the reasons that the petitioner is not arrayed as an accused in that case and it has not been denied by the respondent side that the petitioner is registered owner of the vehicle, which is ground of his entitlement for interim custody of the vehicle. Reasons that are mentioned in the impugned order do not appear to be agreeable ,

therefore, I feel inclined to allow this petition at the motion stage.

7. The petition is allowed. It is ordered that the vehicle bearing registration No. C.G. 04 KR 6846 seized by the Police Station Bhatgaon, District Baloda Bazar in Crime No.127/2019, shall be released on interim custody to the petitioner after verifying the document of entitlement i.e. registration certificate and on his furnishing bond of the amount, regarding which assessment shall be made by the concerned police station on condition that the vehicle shall have to be produced as and when required and also in case any confiscation proceeding is initiated in that respect.
8. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram