

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1239 of 2018**

Trilochan Yadav S/o Shri Nara Yadav, aged about 43 years, By Caste- Mahakul,
R/o Village Gahnajhariya, Barkhariya, Thana Lailunga, Civil & Revenue Distt.
Raigarh (C.G.).

----Applicant**Versus**

State of Chhattisgarh, through District Magistrate Jashpur, Distt. Jashpur (C.G.).

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate
For Respondent	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

04/01/2019

1. By way of the present criminal revision filed under Section 397 read with 401 of Cr.P.C., the Applicant has challenged the order dated 09/10/2018 passed by Special Judge (NDPS), Jashpur in Special Criminal Case No. 03/2018, whereby, the application of the Applicant for releasing the vehicle on Supurdnama was rejected.
2. Brief facts of the case are that on 15/07/2018, Police official of out post Kotwa, Police Station Bagbahar received an information with the averments that some persons are transporting contraband article Ganja in their vehicle bearing registration No. OR15 P 3366 from Orissa to Raigarh. On the basis of said, the Police official made a search. After seeing the Police party, the persons sitting in the vehicle ran away from the spot. One Devcharan was caught hold along with 16.5 Kg Ganja and vehicle. Statement of Devcharan was recorded, wherein, he named Kedarnath Yadav, Bodhram Yadav and driver Thipu Yadav. The vehicle

has also been seized. The Applicant being owner of the said vehicle made an application for releasing the said 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 the registered owner of the vehicle which was alleged to be involved in commission of crime. He further submits that the vehicle was carrying the Ganja 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 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.
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 the confiscation proceeding has not been started, 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. Santro bearing Registration No. OR 15 P 3366 be released to the Applicant upon his furnishing a personal bond of Rs. 3,00,000/- with one surety 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 the 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