

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1282 of 2018**

Durga Sahu W/o Firoz Sahu, aged about 32 years R/o Balodabazar, Chowki Giraudhpuri, District Balodabazar-Bhatapara (C.G.).

----Applicant**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station Sakri, District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Sangeet Kumar Kushwaha, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****08/01/2019**

1. By way of the present criminal revision filed under Section 397 read with 401 of Cr.P.C., the Applicant has challenged order dated 15/03/18 passed by Special Judge (NDPS), Bilaspur in Special Case No. 19/2018, whereby, the application of the Applicant for releasing the vehicle on Supurdnama was rejected.
2. As per prosecution story, the Applicant is register owner of two wheeler vehicle namely Honda Activa bearing registration CG04 JF 0436 which was seized by the police on 25/01/2018 in connection with offence under Section 20 (b) of the NDPS Act. It is alleged that husband of the Applicant was carrying cannabis in the said vehicle. 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 in the police station since 25/01/2018 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 is not pending, 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. Honda Activa bearing Registration No. CG04 JF 0436 be released to the Applicant upon his furnishing a personal bond of Rs. 50,000/- 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 she shall give an undertaking that she shall not change the ownership of the vehicle nor shall she change colour of the vehicle neither shall she create a third party right or interest over the said vehicle. She shall also undertake that she shall produce the vehicle as and when required by the prosecution during course of investigation, trial and even at the appellate state. She shall further undertake to produce the vehicle to any competent authority under different statutes as and when required.
9. With the aforesaid observations, the Criminal Revision is allowed.

Sd/-
(Arvind Singh Chandel)
Judge