

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 70 of 2020**

- Vijay Lonare S/o Ramdas Lonare, Aged About 57 Years, W.C.L. Central Workshop, Urja Gram Tadale, District Chandrapur, Maharashtra., District : Chandrapur, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through O.P. Bastar, P.S. Kotwali, Jagdalpur, District Bastar Chhattisgarh. (Wrongly written as Bodhghat in Case title), District : Bastar (Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant : Shri R.K. Jain, Advocate.

For State/Non-applicant: Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board**16/09/2020**

1. This revision is directed against the order dated 19-12-2019 passed by the Special Court (under the NDPS Act) Jagdalpur, dismissing the application filed by the applicant before the same Court under Section 457 of the Cr.P.C. for interim custody of the vehicle under seizure.
2. It is submitted by learned counsel for the applicant that the applicant is not accused in the case and that he had no knowledge that the vehicle was used by the accused for the purposes of transportation of some contraband. The applicant being registered owner of the vehicle has clear entitlement for its interim custody which has not been appreciated and considered by the court below. Therefore, interference is prayed for.
3. Learned counsel for the State/Non-applicant opposes and submits

that the accused in this case is son of this applicant and therefore it can be presumed that the offence has been committed in connivance and knowledge of this applicant. It is a case in which a huge quantity of contraband was being transported by the vehicle under seizure, therefore, no error has been committed by the court below. Hence, the revision petition be dismissed.

4. The seizure of the vehicle bearing registration No. MH 34 BB 1296 has been made by police in connection with transportation of 80 kg. Ganja from accused Rahul Vijay Lonare who happens to be son of this applicant. The provision under section 63(1) of the NDPS Act has referred in the impugned order, which itself mentions that seized property is liable to confiscation under Section 60, 61 and 62 of the NDPS Act at the stage of final decision which may be rendered by the trial Court after conclusion of the trial. As it is informed that the trial is still pending, therefore, during pendency of the trial there being no charge against this applicant and he being the registered owner of the vehicle appears to have entitlement for interim custody of the said vehicle. Therefore, this revision 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 along with original documents of the vehicle after obtaining certified copy of the same.

Sd/-
(Rajendra Chandra Singh Samant)
Judge