

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No.245 of 2020

- Kishore Chandra Sahu S/o Shri Ramchandra Sahu Aged About 54 Years R/o Kendubhata Talpali Gaisilat Bargarh Police Station - Gaisilat District Bargarh Odisha Civil And Revenue District Bargarh Odisha

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chura District-Gariabandh Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Ajay Mishra, Advocate.
For Non-applicant	: Mr. Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-02-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 04.07.2019 passed by the Special Court N.D.P.S. Act, Raipur, dismissing the application filed by the applicant in which the prayer for interim custody of the seized vehicle was denied.
2. It is submitted by the learned counsel for the applicant that the applicant is the registered owner of the vehicle registered as OD17C7565, the applicant himself is not an accused in this case, therefore, he has entitlement for interim custody. Hence, it is prayed that impugned order be interfered with.
3. Learned State counsel opposes and submits that applicant is resident of

Odisha, therefore, if a vehicle is given on interim custody then that may not be produced before the Court and the trial may suffer on account of that. It is also submitted that the seized vehicle is liable for confiscation, therefore, revision be dismissed.

4. Heard learned counsel for both the parties and also perused the documents present.
5. The vehicle above mentioned has been seized by the Police Station, Chura, District- Gariyaband in connection of transportation of contraband under Section 20(B)(C) of N.D.P.S. act in Crime No.95/2019.
6. As it appears that the applicant himself is not an accused in this case and further the decision of confiscation shall be taken by the Court at the stage of conclusion of trial provided under Section 63 of N.D.P.S. Act, therefore, I am of this view that the applicant being the registered owner is entitled for interim custody, hence, the petition is disposed off at motion stage. The impugned order is set aside and it is ordered that on furnishing of bail bond and surety of the applicant before the trial Court and according to the assessment made by the trial Court itself, the same shall be released in interim custody of the applicant with direction to produce the same as and when required.
7. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge