

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 256 of 2020

Malesh Rao Padal S/o Saru Ranjan Padal Aged About 22 Years R/o Tarlakota, District Malkangiri (Orissa) (Mahesh Rao Padal is wrongly mentioned in impugned order cause title).

---- Applicant

Versus

State Of Chhattisgarh through the Station House Officer, Police Station Gol Bazar, Civil And Revenue District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Punit Ruparel, Advocate.
For Respondent/ State	: Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-02-2020

Heard.

1. This revision petition has been filed challenging the order dated 3.2.2020 passed in Special Criminal Case No.31 of 2019, by which the prayer of the applicant for interim custody of the seized vehicle was rejected.
2. It is submitted by counsel for the applicant that this is second round of litigation. The first application which was filed by the applicant for grant of custody of the vehicle was dismissed by the Special Court on 23.11.2019. Criminal Revision No. 1582 of 2019 was preferred before this Court in which order dated 16.12.2019 was passed. As there had been a dispute raised by the learned Court below regarding the correct name of the applicant, this Court ordered the learned Court below to

verify the same and pass the order in accordance with law. It is further submitted that subsequent to the direction of this Court, learned Court below has considered on the application of the applicant on 3.2.2020 and held that this applicant and the name of the applicant mentioned in the registration certificate of the vehicle are same person. However, the prayer for interim custody was rejected without assigning any specific cause, therefore, it is prayed that the interim order be interfered with.

3. Learned State counsel opposes the submissions made in this respect. It is submitted that the applicant is a resident of Orissa he may not produce the vehicle in Court if ordered on later stage, secondly, the vehicle was involved in transport of contraband in commercial quantity and thirdly, the vehicle is also liable to be confiscated. Therefore, the revision and the prayer be dismissed.
4. There appears to be no dispute that the vehicle bearing registration No. OD 10M 4307 is owned by the applicant and he himself is the registered owner of the same. This vehicle has been seized in Crime No. 113 of 2019 by the police station Gol Bazar, Raipur in connection with transportation of ganja. As informed, the charge-sheet has been filed and it will be at the stage of conclusion in the trial Court the Court shall determine, as to whether the seized vehicle has to be confiscated or not confiscated. For the present there is no requirement of the vehicle to be kept lying in the police station, which is losing its value because of non-maintenance and also other natural reasons, therefore, I find that it is a proper case where the applicant should be allowed to receive interim custody of the vehicle on appropriate terms.
5. In view of above, this revision petition is allowed at the motion stage. It is ordered that the interim custody of the vehicle in question be given to the applicant on his furnishing a personal bond equivalent to the market

value of the vehicle in question, to be assessed by the trial Court. The trial Court may impose such other conditions as may be found necessary in the facts and circumstances of the case.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi