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HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 474 of 2020

- Golden India Transport Company, Through : Manager Chandrabhan Singh S/o Baijnath Singh, Aged about 46 Years, R/o. Sanyasi Para, Raipur, Police Station Khamtarai, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Sakari, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Rajeev Kumar Dubey, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-06-2020

1. Heard.
2. This revision petition has been brought being aggrieved by the order dated 12-05-2020 passed by the Special Judge (NDPS Act)/third Additional Sessions Judge, Bilaspur, Chhattisgarh dismissing the application filed by the applicant under Section 457 of the Cr.P.C.
3. It is submitted that the police have made seizure of whole consignment which was in possession of this applicant. It is only some of the medicines from that lot which can be said to be objectionable having content of codeine phosphate. Therefore, the applicant had entitlement for interim custody of the rest of the medicines which have been seized from his possession. The learned Sessions Court has not examined the application and the prayer in proper perspective and rejected the application cursorily. Therefore, it is prayed that the impugned order be interfered with.
4. Learned counsel for the State/non-applicant opposes the submission and submits that the applicant has no entitlement for grant of interim custody of the seized property as he is not owner of the same.

5. In reply, it is submitted by learned counsel for the applicant that in capacity of the transporter the applicant was entrusted with the possession of the medicines to be transported. Therefore, he is possessory owner and has entitlement to make prayer for interim custody.

6. After perusing the impugned order, I am of this view that the learned Sessions Court has not examined the prayer made by the applicant on all aspects and the only observation made in the impugned order is with respect to the cough syrup which is said have content of codeine phosphate and there is no mention of other medicines and also no observation regarding entitlement of the applicant for interim custody of the same. Therefore, it appears that the impugned order has been passed in haste without proper consideration.

7. Therefore, this revision petition is allowed with modification. The impugned order is set aside. The applicant is given liberty to file a repeat application before the Sessions Court making prayer for interim custody for which he may be entitled.

8. The petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge