

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 576 of 2020

Uday Bhan Singh Yadav, S/o Netram Singh Yadav, R/o Village Madrai, Tehsil And District Murena, Madhya Pradesh, Through Power Of Attorney Jitendra Singh, S/o Heeralal, Caste Kirar, Aged About 42 Years, R/o Ward No. 03, Resident Of Ram Janki Mandir, A. B. Road, Baanmour, District Murena, Madhya Pradesh., District : Morena, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Bemetara, District Bemetara Chhattisgarh.

---- Respondent

For Applicant	: Shri Umakant Singh Chandel, Advocate.
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

17-12-2020

Heard.

1. This criminal revision petition has been brought being aggrieved by the order dated 9.6.2020 passed by the Learned Special Judge, (N.D.P.S. Act), Bemetara, District Bemetara, Chhattisgarh, dismissing the application filed by the applicant for grant of interim custody of the seized article i.e Truck bearing registration No. RJ 11 GB 0322, which has been seized by the police station Bemetara in connection of crime under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.276 of 2020.
2. Learned counsel for the applicant submits that the applicant is the registered owner of the said truck. The seizure has been made from the driver and cleaner of the truck for transporting some contraband. The

applicant has no connection with that commission of offence and he is rightfully entitled person for interim custody, therefore, learned Court below have committed error in passing the rejection order. Hence, the revision petition be allowed.

3. Learned counsel appearing for the respondent/ State opposes the submissions so made and submits that it is mentioned in the rejection order that the proceeding has been initiated for confiscation of the seized truck, as the seized truck is also liable for confiscation under sub-section (3) of Section 60 of the NDPS Act. Therefore, no error has been committed by the Court below. Hence, the revision petition be dismissed.
4. Heard both counsel for the parties and perused the material available on record.
5. Considered the submissions and perused the order passed by the Court below. Section 63 of the NDPS Act provides for the procedure of confiscation of property which is liable to be confiscated under Sections 60, 61 and 62 of the NDPS Act. According to this provision, no such procedure can be initiated before the trial is completed and at present, the trial is pending. Hence, the liability of the property under seizure to be confiscated is yet to be decided by the trial Court. As it appears that this applicant is the registered owner and he is not one of the accused in this case, therefore, for the present, he is the fit person to have interim custody of the said article.
6. Accordingly, the revision petition is allowed. The impugned order dated 9.6.2020, passed by the Special Court under NDPS Act, Bemetara, District Bemetara is set aside and it is directed that the Truck bearing registration No. RJ 11 GB 0322 be released in favour of the applicant by way of interim measure till the disposal of the trial. The learned trial

Court is directed to make an assessment of seized vehicle and pass an order accordingly for furnishing bonds and supurdnama.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi