

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 606 of 2020

Ranjit Kumar, S/o. Mahendra Prasad, aged about 60 Years, R/o. Village Bouripara, Ward No. 21, Ambikapur P.S. Ambikapur District Surguja Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh, Through : S.H.O., P.S. Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant : Mr. Nishikant Sinha, Advocate

For State/Respondent : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/10/2020

1. Challenge in this petition is to the order dated 05.08.2020, passed by Special Judge, (N.D.P.S.), Balrampur, Ramanujganj, District Balrampur, Ramanujganj (C.G.), passed in Miscellaneous Criminal Case No.17/2020, whereby the application preferred by the applicant under Section 457 of Cr.P.C. was dismissed.
2. It is submitted that the applicant is the concerned person having entitlement for interim custody of the truck bearing registration No. C.G.-15-AC-5698. The applicant has no connection with the contraband, which was seized from the driver and the helper of the said truck. Driver and the helper of the truck has bonafidely received

that parcel from KGN Medical Store Gadwa to transport the same to Ramanujganj as carrier, therefore, they are not the owner of the same. The learned Court below has simply overlooked the entitlement that was present in favour of the applicant and passed the erroneous order. Therefore, it is prayed that the revision be allowed and the applicant should be granted interim custody of the vehicle under seizure in this case.

3. State counsel opposes the petition and the submission made in this respect. It is submitted that huge quantity of the manufactured medicine have been seized from the driver and helper of the truck owned by this applicant. Further the vehicle from which the articles has been seized is subject to confiscation under Section 60 of the N.D.P.S. Act, therefore, the Court below has not committed any error in passing the impugned order. It is prayed that revision petition be dismissed.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions. There is no denial that the applicant is the registered owner of the said truck and that he has no involvement in the said commission of crime. Although Section 60 of the N.D.P.S. Act provides for liability of confiscation of the conveyances, which was used in transporting the contraband, but according to the procedure that is laid down under Section 63 of the Act, such order can be passed only at the final stage of the trial, when the judgment is passed. Trial with respect to the crime committed appears to be pending and the trial Court may take

decision in accordance with law at the stage of passing judgment. For the present, on the basis of entitlement of the applicant, interim custody of the said vehicle can be given to the applicant on appropriate direction and condition.

6. Accordingly, the revision petition is allowed. The impugned order dated 05.08.2020, passed by Special Judge, (N.D.P.S.), Balrampur, Ramanujganj, District Balrampur, Ramanujganj (C.G.), passed in Miscellaneous Criminal Case No.17/2020, is set-aside and it is directed that the vehicle truck bearing No. C.G.-15-AC-5698 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. On furnishing such bonds and Supurdnama, the vehicle in question be released in favour of the applicant with a condition that the applicant shall not transfer or change description/ features of the vehicle in question and he shall produce the said vehicle before the trial Court or confiscation authority when any such order is passed during the course of trial or confiscation proceeding.

Sd/-
(Rajendra Chandra Singh Samant)
Judge