

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1412 of 2020**

- Bhupendra Sonwani, S/o. Late Shri Sobharam Sonwani, aged about 35 years, R/o. Village Tumdibod, PS OP Tumdibod, Tahsil Dongargaon, Distt. Rajnandgaon (CG)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through the Collector, Distt. Balod (CG)
2. Excise Commissioner, Chhattisgarh Raipur (CG)
3. Station House Officer, Police Station Mangchuva, Distt. Balod (CG)

---- Respondents

For Petitioner	: Shri Rajendra Tripathi, Advocate
For Respondent/State	: Shri Animesh Tiwari, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16.12.2020**

1. The present petition has been filed against order dated 22.10.2019 passed by First Additional Sessions Judge, Balod, whereby the order passed by the Excise Commissioner, Raipur dated 27.7.2019 rejecting the application for grant of interim custody of the vehicle Scropio bearing registration No.CG 08 U 9101 seized in an excise offence, has been affirmed.
2. Learned counsel for the State submits that the Collector, Balod has initiated the proceedings for confiscation of the seized vehicle and the same has been intimated on 26.02.2016 by the Collector to the jurisdictional Criminal Court. As such, by virtue of Section 47D of the Chhattisgarh Excise Act, 1915, jurisdiction of the criminal Court to grant interim custody is barred.
3. Learned counsel for the petitioner submits that he may be permitted to make an application before the Collector, Balod for grant of interim custody of the seized vehicle.

4. Prayer made by learned counsel for the petitioner seems to be reasonable.

5. Accordingly, present petition is disposed of with liberty granted in favour of the petitioner to file an application for interim custody of the vehicle before the Collector and the Collector shall consider and dispose of the said application, if filed within 10 days from the date of receipt of a copy of this order.

Sd/-
(Sanjay K. Agrawal)
Judge