

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1410 of 2020**

- Dilip S/o. Shri Rana Pratap, Aged about 25 years, R/o. Village Anjaani, Thana Bijpur, Distt. Sonbhadra (UP)

---- Petitioner**Versus**

State Of Chhattisgarh Through Collector, Revenue & Civil District
Balrampur-Ramanujganj (CG)

---- Respondent

For Petitioner	: Shri Surfaraj Khan, Advocate
For Respondent/State	: Shri Ravi Bhagat, Dy. Govt. Advocate

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

1. The present petition has been filed against order dated 10.9.2020 passed by Additional Sessions Judge, Ramanujganj, Distt. Balrampur Ramanujganj, whereby the order passed by the Chief Judicial Magistrate, Balrampur-Ramanujganj dated 18.8.2020 rejecting the application for grant of interim custody of the vehicle Bolero bearing registration No.UP – 64 S 3786 seized in an excise offence, has been affirmed.

2. Learned counsel for the State submits that the Collector, Distt. Balrampur Ramanujganj has initiated the proceedings for confiscation of the seized vehicle and the same has been intimated on 14.12.2020 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, Balrampur Ramanujganj 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 application, if filed within 10 days from the date of receipt of a copy of this order.

Sd/-
(Sanjay K. Agrawal)
Judge