

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 2099 of 2019**

Sujit Singh Thakur, S/o Shri Tapan Singh Thakur,
Aged about 45 years, R/o Village Ghodari, P.S.
Tahsil and District Mahasamund, Chhattisgarh.

---Petitioner**Versus**

State Of Chhattisgarh Through District Magistrate
Mahasamund, District Mahasamund, Chhattisgarh.

--- Respondent/State

For Petitioner:- Mr. Surfaraj Khan, Advocate
For State :- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****19/06/2020**

1. Proceedings of this matter have been taken up for hearing through video conferencing.
2. Petitioner's vehicle was seized for commission of offence under Section 34(2) of the Excise Act, 1915. He made an application under Section 457 of the Cr.P.C. for grant of interim custody of the said vehicle, which has been rejected by trial Magistrate and affirmed by the revisional Court in the revision preferred by the petitioner, against which the present petition has been filed.
3. Learned counsel for the petitioner would submit that both the Courts below are absolutely

unjustified in rejecting petitioner's application for grant of interim custody of his seized vehicle.

4. On the other hand, learned State counsel would support the impugned order.

5. I have heard learned counsel for the parties at length.

6. It is quite vivid that intimation about the initiation of the confiscation proceedings has already been given to the trial Magistrate under Section 47-A (3) of the Excise Act on 07/09/2019, as such, Section 47-D is squarely attracted in this case and the jurisdiction of the Court below to grant interim custody is barred, therefore, both the Courts below are absolutely justified in rejecting petitioner's application. However, the petitioner is at liberty to move before the Collector for grant of custody in accordance with law.

7. With the aforesaid liberty reserved in favour of the petitioner, the present petition stands disposed of. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge