

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1377 of 2019

- Ajay Gupta @ Baban Gupta, S/o Late Raghuvar Prasad Gupta, Aged About 28 Years, R/o Village Mayapur, Ward No. 31 Ambikapur , Dist.- Surguja, Chhattisgarh...(In Jail).

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Ambikapur, District Surguja Chhattisgarh. (Non Applicant).

---- Respondent

For applicants	:	Mr. Abhishek Pandey, Advocate.
For Respondent/State	:	Mr. Shrikant Kaushik, Panel Lawyer.

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

13/02/2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 5.10.2019 passed by the learned Special Judge (NDPS), Surguja, Ambikapur.
2. It is submitted that applicant is registered owner of the motorcycle bearing registration No.CG-15 DC 6230, which has been seized in connection with Crime No.517/2019 registered at Police-station Ambikapur for the offence under Section 21 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').
3. The applicant, who is facing trial in the case concerned, has been enlarged on bail. The vehicle being a machinery, is lying in the police-station, which needs maintenance to preserve its value. There is likelihood of delay in disposal of the case against the applicant,

therefore, prayer was made before the Court below to grant interim custody of the said vehicle, which has been erroneously and arbitrarily rejected.

4. Section 63(1) of the NDPS Act provides, that on conclusion of trial, the Court shall take a decision whether any article or thing seized in the case under NDPS Act is liable for confiscation or not. This being the position, no purpose would be served by keeping the seized article in the police-station till conclusion of trial. The learned trial Court should have exercised its jurisdiction for releasing the vehicle in interim custody in favor of the applicant.
5. In view of above, this revision petition is allowed at the motion stage. It is ordered that the interim custody of the vehicle in question be given to the applicant on his furnishing a personal bond equivalent to the market value of the vehicle in question, to be assessed by the trial Court. The trial Court may impose such other conditions as may be found necessary in the facts and circumstances of the case.

Sd/-

(Rajendra Chandra Singh Samant)
Judge