

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1530 of 2019

- Sakritam Yadav, S/o Khetrimani Yadav Aged About 33 Years Caste - Aheer, R/o Village - Khajridhab, Police Station- Bagbahar, Tahsil - Farsabahar, District-Jashpur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station - City Kotwali, Patthalgaon, District - Jashpur Chhattisgarh.

---- Respondent

For Applicants : Mr. Sanjeev Kumar Sahu, Advocate.

For Respondent/State : Mr. Avinash K. Mishra, Panel Lawyer.

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

18/02/2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 26.11.2019(Annexure-A/1) passed by the learned Special Judge (NDPS), Jashpur, District-Jashpur, Chhattisgarh.
2. It is submitted that applicant is registered owner of the Scorpio bearing registration No.CG-14 MG-0884, which has been seized in connection with Crime No.112/2019 registered at Police-station-Pattalgaon for the offence under Section 20 (b) 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 entitlement of interim custody of the said vehicle. 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.

Reliance has been placed on the judgment of Sunderbhai Ambalal Desai v. State of Gujarat, reported in (2002) 10 SCC 283. Therefore, prayer was made before the Court below to grant interim custody of the said vehicle, which has been erroneously and arbitrarily rejected.

4. Learned State counsel opposes the petition and submissions made in this respect. It is submitted that the vehicle of the applicant was used for transportation of contraband and the vehicle is also liable for confiscation under the provision of NDPS Act, therefore, no error has been committed by the learned Special Court, hence, the revision petition be dismissed.
5. I have heard both the parties and perused the documents filed along with the petition.
6. Section 63 of the NDPS Act provides, that on conclusion of trial, the Special Court shall take a decision whether any article or thing seized in the case under NDPS Act is liable for confiscation or not. The stage on which the learned Judge shall decide the issue of confiscation of this vehicle is yet to come. As informed the vehicle is lying in the police-station since the date of its seizure i.e. 1.6.2019. 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.
7. 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

Nisha

