

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 80 of 2021

- Ranjeet Singh Alias Rana, S/o Hari Singh, Aged About 45 Years
R/o Sakin Mahaveer Nagar, Police Station Telibandha, Raipur,
District Raipur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh (Through Police Station Kabir Nagar,
Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Petitioner : Shri Washim Miyan, Advocate

For State : Shri Rakesh Sahu, Dy. Government Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

23.06.2021

1. The petitioner has filed the present Cr.M.P. challenging the order dated 30.12.2020 passed by the learned Special Judge (NDPS Act), Raipur in Special Criminal Case No. 61/2019 by which the application for Supurdnama has been partly allowed to the extent that the vehicle bearing registration No. CG-04-MK-4131 has not been given to him whereas mobile phone has been given to him on Supurdnama.
2. The brief facts as reflected in the petition are that vehicle No. CG-04-MK-4131 was seized by the police in connection with Crime No. 265/2019 registered at police station Kabir Nagar, Raipur as the vehicle was involved in transporting contraband substance on 01.10.2019 by the accused persons namely Harbhajan Singh, Gurujan Singh and Arjun Singh, thereafter, the police has submitted challan before the learned NDPS Court, Raipur where it was registered as Special Criminal Case No. 61/2019.
3. The petitioner filed an application before the learned Special Judge, NDPS Act, Raipur for releasing the vehicle on

Supurdnama mainly contending that he is the owner of the vehicle, the vehicle will lose its significance and may get destroyed if it is kept in open space which will adversely affect the system of the vehicle, therefore, the vehicle be given on Supurdnama under any terms fixed by the learned Special Judge, NDPS Act. The State filed their objection and learned Special Judge, NDPS Act on 30.12.2020 was pleased to partly allow the application to the extent that mobile phone was given on Supurdnama and the Supurdnama for vehicle was rejected.

4. This order is being challenged by the applicant before this Court by filing Cr.M.P. under Section 482 of the Cr.P.C. This Court issued notice on 01.02.2021 to the respondent-State and granted four weeks time to file reply. The State filed their reply in which they have said that the order passed by the learned Special Judge, NDPS Act is just and proper and there is no infirmity or illegality in the order in rejecting the application for Supurdnama of the vehicle and prayed for rejection of the Cr.M.P.
5. Learned counsel for the petitioner would submit that the coordinate Bench of this Court in Cr.M.P. No. 1374 of 2020 in the case of *Tikeshwar Singh vs. State of Chhattisgarh* decided on 11.12.2020, Cr.M.P. No. 524 of 2017 in the case of *Jyoti Pratap Singh vs. State of Chhattisgarh and Another* decided on 25.04.2017 and Cr.M.P. No. 562 of 2016 in case of *Sonela Patel vs State of C.G. and others* decided on 07.07.2016 as well as the Hon'ble High Court of Madhya Pradesh in case of *Rocky Verma (died) Thr. His Legal Wife Smt. Juli Verma vs State of M.P.* decided on 24.02.2021 have released the vehicle on Supurdnama and this case is squarely covered by the aforesaid decisions passed by the coordinate Bench of this Court as well as Hon'ble High Court of Madhya Pradesh. Hon'ble Supreme Court in the case of ***Ashok Kumar vs State of Bihar***¹ has considered the necessity of releasing vehicle on Supurdnama and has held that it is not necessary to keep the vehicle in the compound of the Court indefinitely for a very long time till the

1 (2001) 9 SCC 718

final disposal of the case.

6. Learned counsel for the State does not oppose the legal proposition held by the Hon'ble Supreme Court and this Court as well as Hon'ble Single Judge of the High Court of Madhya Pradesh.
7. Following the decision of the Hon'ble Supreme Court and considering the fact that the petitioner is the registered owner of the motor cycle and it is of no use to keep the seized vehicle at the police station for a long time, it is directed that the vehicle bearing registration No. CG-04-MK-4131 shall be released to the petitioner on the following conditions :-

(I) The petitioner shall execute a bond in the sum of Rs. 50,000/- (Fifty Thousand) with two solvent sureties to the satisfaction of the Special Judge (NDPS Act), Raipur.

(ii) The petitioner must satisfy the Court that he is the registered owner of the offending vehicle.

(iii) The petitioner shall not transfer or dispose of the offending vehicle to any one else and shall not make any change in its body, colour or engine. It is needless to say that make, colour, chassis number, and engine number of the offending vehicle shall be furnished by the petitioner before the trial Court with an undertaking that no damage shall be caused or no part of the vehicle be substituted.

(iv) The petitioner shall also file an undertaking before the trial Court that the offending vehicle shall not be used for commission of offence; and before giving interim custody of the offending vehicle to the petitioner, three coloured photographs of cabinet size from the different angles clearly indicating registration number and other particulars like chasis number etc. of the vehicle taken in the presence of responsible officer deputed by the trial Court shall be kept in the file of the case. The expenses for the photographs shall be borne by the petitioner.

(v) The petitioner shall produce vehicle either before this Court or before the Collector or such authorities as it may

be directed, on his own expenses.

(vi) In the event of confiscation order by the competent Court, the petitioner shall keep present the vehicle positively for confiscation.

8. Copy of the order be sent to the learned trial Court for necessary compliance.
9. With the aforesaid observations and directions, the Cr.M.P. is allowed.

**Sd-
(Narendra Kumar Vyas)
Judge**

kishore