

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.189 of 2021**

- Lekhram Dhiwar Son of Khelan Dhiwar, aged about 26 years, R/o. Village Devsundara Police Station Palari District Balodabazar Bhatapara (CG)

---- Petitioner**Versus**

1. State Of Chhattisgarh Throug the District Magistrate/Collector, Balodabazar, Distt. Baodabazar-Bhatapara (CG)
2. Station House Officer, Police Station Suhela, District Balodabazar-Bhatapara (CG)

---- Respondents

For Petitioner	: Shri GR Miri and Shri Basant Kaiwartya, Advocates
For Respondent/State	: Shri Animesh Tiwari, Dy. Advocate General and Shri Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****19.3.2021**

1. The matter is heard finally with the consent of the parties.
2. It is an undisputed position that the petitioner's vehicle Motor Cycle bearing registration No.CG 22 J 1693 was found involved in Excise offence and thereafter said vehicle was seized and confiscation proceedings have been initiated on the seized vehicle by District Magistrate/Collector, Baloda Bazar-Bhatapara and the same has been intimated on 22.10.2020 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. This is an admitted position with the record.
3. In that view of the matter, the petitioner is at liberty to move an application for grant of interim custody of the seized vehicle before the

Collector, Balodabazar-Bhatapara within seven days from today 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, in accordance with law and as per the law laid down by the Hon'ble Supreme Court in **Sunderbhai Ambalal Desai v. State of Gujarat**¹

4. With aforesaid observation/direction, the petition under Section 482 of CrPC stands disposed of.

Certified copy as per rules.

Sd/-
(**Sanjay K. Agrawal**)
Judge

Bini

1 (2002) 10 SCC 283