

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.339 of 2021

- Dilip Singh, S/o Kishan Singh, Aged About 27 Years, R/o Budhbari Bazar, Near Ganesh Pandal Korba, Tehsil Korba, District Korba, Chhattisgarh

----- Petitioner

Versus

- 1.State of Chhattisgarh Through Police Chowki CSEB, Police Station Kotwali Korba, Chhattisgarh
- 2.The Collector, Korba, District Korba, Chhattisgarh

----- Respondents

For Petitioner	Mr. Akhilesh Kumar, Adv.
For Respondents	Mr. R. K. Bhagat, Dy. GA

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

24/03/2021

1. The petitioner is the owner of vehicle car Tata Tiago bearing registration No.CG-12-AU-1164, which was found in commission of excise offence and has been seized by the Police, Police Chowki CSEB, Police Station Kotwali, District Korba

(C.G.) vide Crime No.852/2020.

2. The petitioner made an application under Section 457 of CrPC for grant of interim custody of the vehicle in question before the Judicial Magistrate First Class, Korba, which has been rejected vide order dated 24.11.2020 in Criminal Case No.1073/2020, against which the criminal revision was filed before the First Additional Session Judge, Korba, which has also been rejected vide order dated 12.01.2021 in Criminal Revision No.01/2021.
3. I have heard learned counsel for the parties and perused the records.
4. Admittedly, pursuant to the seizure of the vehicle in question, the confiscation proceedings for confiscation of the vehicle in question have been initiated by the Collector/District Magistrate, Korba and the fact of initiation of confiscation proceedings has already been

informed by the Collector to the Judicial Magistrate. As such, jurisdiction of the Criminal Court is barred by Section 47-D of the Chhattisgarh Excise Act, 1961 to grant interim custody of the vehicle. However, the petitioner is at liberty to make an application before the Collector/District Magistrate, Korba for interim custody of the vehicle in question within 15 days from today, which will be considered and decided in accordance with the principles laid down by the Supreme Court in the matter of **Sunderbhai Ambalal Desai vs State Of Gujarat**¹ within next 15 days.

5. With the aforesaid observation, the petition under Section 482 of CrPC stands disposed off.

Sd/-
Sanjay K. Agrawal
Judge

Nirala

¹ (2002) 10 SCC 283