

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 695 of 2020

- Smt. Manju Ratnakar, W/o Shri Ramesh Ratnakar, Aged About 26 Years, R/o Gajra Sai, P.S. Banki Mongra, Tahsil Katghora, District-Korba Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station Banki Mongra, District-Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Akhtar Hussain, Advocates.
For Respondent/State	:	Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/02/2021

Heard.

1. This revision petition has been brought being aggrieved by the order dated 6.3.2020 passed by the Special Court under NDPS Act, District-Korba, Chhattisgarh, rejecting the application filed by the applicant under Section 457 of CrPC for grant of interim custody of the vehicle under seizure.
2. One Activa Scooter bearing registration No.CG-12, AZ-1512 has been seized from the possession of accused Ramesh Ratnakar along with 1.2 kg ganja.
3. It is submitted by the counsel for applicant that the applicant being the registered owner of the vehicle in question is entitled for grant of interim custody of the same. The impugned order passed is erroneous. The trial is not concluded and as such, the proceeding for confiscation is not likely to be initiated in near future, therefore, the ground for rejection of the prayer made by the applicant is not sustainable. Hence, it is prayed that this revision petition be allowed.

4. Learned State counsel opposes the petition and submissions made in this respect. It is submitted that the accused from whose possession the vehicle has been seized is the husband of the applicant, therefore, it is clear that the offence under the NDPS Act has been committed in knowledge and connivance of this applicant. Hence, no error has been committed by the Special Court in rejecting the application. He prays that revision be also dismissed.
5. Considered on the submissions. It is clear that this applicant is not one of the accused in the case registered under the NDPS Act. Secondly, she is the registered owner of the vehicle under seizure. The learned Court below has passed rejection order on the basis that the seized vehicle is liable to be confiscated under Section 60 of the NDPS Act. However, Section 63 of the NDPS Act provides that any such confiscation proceeding can be initiated only after completion of trial in which the accused may be either convicted or acquitted or discharged. Said stage has not come yet to form an opinion as to whether the seized vehicle is liable to be confiscated or not. Hence, I am of this view that the applicant has entitlement to receive the seized vehicle on interim custody during the pendency of trial, therefore, the revision petition deserves to be allowed.
6. 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 her 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