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HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.1309 of 2020

- Rajmani, D/o Shri Bhaiyalal Tirkey, Aged About 22 Years, R/o Village Jagarnathpur, Police Station and Tahsil Pratappur, District Surajpur, Chhattisgarh At Present R/o Sattipara, Ambikapur, Police Station and Tahsil Ambikapur, District Surguja, Chhattisgarh

----- Petitioner

Versus

- The State of Chhattisgarh Through Station House Officer, Police Station Gandhinagar, District Surguja, Chhattisgarh

----- Respondent

For Petitioner	Mr. A. K. Prasad, Adv.
For Respondent	Mr. R. K. Bhagat, Dy. GA

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

03/03/2021

1. The petitioner's vehicle Honda Active Scooty bearing registration No.CG-15-DG-7729 was found involved in commission of excise offence and it is admitted by learned counsel for the parties that the confiscation proceedings have been

initiated on 16.09.2020 by the District Magistrate for confiscation of the said vehicle and the fact of initiation of confiscation proceedings has 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 District Magistrate, Surajpur for interim custody of the aforesaid vehicle, 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.

2. With the aforesaid observation, the writ petition stands disposed off.

Sd/-
Sanjay K. Agrawal
Judge

Nirala

1 (2002) 10 SCC 283