

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 706 of 2020**

- Raju Suryawanshi, S/o Late Lala Suryawanshi, Aged About 38 Years, R/o Village Piplabhar, Police Station Pendra, District Gurela Pendra Marwahi Chhattisgarh, District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Applicant/Revisioner**Versus**

- State Of Chhattisgarh, Through Arakshi Kendra, Khadgawa, District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

----Respondent

For Applicant/Revisioner : Shri Krishna Tandan, Advocate.

For State/Respondent : Shri B.P. Banjare, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****12/03/2021**

Heard.

1. This revision petition has been brought against the order dated 14-10-2020 passed by the Special Court (N.D.P.S. Act) Baikunthpur, District Koriya, (C.G.) in Crime No.180/2020 dismissing the application of this applicant/revisioner for grant of interim custody of the vehicle under seizure.
2. It is submitted that this applicant is registered owner of the vehicle under seizure. Though, registration number is not displayed on the vehicle, therefore, seizure memo mentions the chassis number and engine number only. The application for interim custody had been erroneously rejected by the Special Court despite the entitlement of the applicant. Therefore, the impugned order is erroneous which is not sustainable. Hence, the revision petition be allowed.
3. Learned counsel for the State/respondent opposes and submits that the applicant himself was the person from whose custody the

contraband and the vehicle was seized. The seized vehicle is liable for confiscation under Section 60 of the N.D.P.S. Act. Therefore, learned Court below has not committed any error in rejecting the application. Hence, the revision petition may also be dismissed.

4. Heard learned counsel for the parties and perused the documents.
5. Considered on the submissions. The applicant/revisioner is accused in Crime No.180/2020 registered for offence under Section 20(B) of the N.D.P.S. Act, in which the abovementioned motorcycle was seized. The applicant has produced copy of the registration certificate and insurance papers, which were also produced before the Special Court. Although the vehicle under seizure is liable for confiscation under Section 60 of the N.D.P.S. Act, but such procedure cannot be initiated at the present stage. The confiscation proceeding can be drawn in accordance with Section 63 of the N.D.P.S. Act, only after completion of the trial against the accused. As the trial in this case is yet to be commenced and the applicant has shown his entitlement on the basis of his being registered owner of the vehicle, therefore, I feel inclined to allow this revision petition.
6. Accordingly, this revision petition is allowed. The impugned order is set aside and it is ordered that on furnishing of a bond according to the valuation assessed by the trial Court the vehicle shall be released on interim custody in favour of the applicant/revisioner, with a direction to produce the same as and when directed by the Court.

Sd/-
(Rajendra Chandra Singh Samant)
Judge