

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 716 of 2020**

- Ram Pravesh Roy, S/o Chumman Roy, Aged About 45 Years, R/o Bhimpura, Baleshwar Haripur Odisha, Orissa

---- Petitioner**Versus**

- Directorate of Revenue Intelligence (DRI), Raipur C.G., District : Raipur, Chhattisgarh

----Respondent

For Petitioner/Applicant : Shri Nitin Yadu and Shri S.P. Yadav, Advocates.
For DRI/Respondent : Shri Ramakant Mishra, A.S.G. and Shri Amit Banerjee, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****31/03/2021**

Heard.

1. This revision petition has been brought against the order dated 12-10-2020 passed by the Special Judge (N.D.P.S. Act), Raipur, District- District Raipur (C.G.) dismissing the application under Section 457 of the Cr.P.C. filed by this petitioner.
2. It is submitted that this petitioner is registered owner of the vehicle, Truck No. OD 01 Z 1099 which has been seized in connection with the complaint case, DRI Case No.15/2020 registered for offence under Section 8(c), 20(b)(ii)(C) of the N.D.P.S. Act. It is submitted that this petitioner/applicant being registered owner, had entitlement for interim custody of the vehicle. Therefore, the impugned order has been erroneously passed. It is prayed that this criminal revision be allowed.
3. Learned counsel appearing for the respondent opposes the

application and submits that the vehicle has been seized from accused Harindar Roy and he has in his statement under Section 67 of the N.D.P.S. Act clearly claimed that he is the owner of the seized vehicle which has been purchased benami in the name of this petitioner.

4. Heard learned counsel for the parties and perused the documents.
5. After considering on these submissions, I am of this view that learned trial Court has passed the impugned order without giving any opportunity of hearing to accused Harindar Roy who himself has claimed ownership of the seized vehicle. Therefore, this revision petition is allowed and disposed off at motion stage. The impugned order is set aside. However, the application under Section 457 of the Cr.P.C. is restored. The learned trial Court is directed to reconsider this application after giving opportunity of hearing to accused Harindar Roy and pass orders in accordance with law.
6. The petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge