

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**CRMP No. 1123 of 2021**

1. Hemant Kumar Sahu S/o Phoolchand Sahu, Aged About 35 Years, R/o Village Dhaneli Police Station Mujgahan Raipur, District Raipur, Chhattisgarh.
2. Satish Kumar Sen S/o Late Shri Daulatram Sen, Aged About 40 Years, R/o Village Rakhi, Police Station Rakhi, District Raipur, Chhattisgarh.

---- **Petitioners**

**Versus**

State of Chhattisgarh Through Police Station Bagbahra, District Mahasamund Chhattisgarh.

--- **Respondent**

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| For Petitioners | : | Ms. Smita Jha, Advocate. |
| For State       | : | Mr. Uddhav Sharma, GA.   |

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**Hon'ble Shri Justice Parth Prateem Sahu**  
**Order on Board**

**27/10/2021**

Heard.

1. Application of petitioners filed under Section 457 of Cr.P.C for grant of interim custody of mobile phone seized in pursuant to the alleged commission of offence under Section 34 (2) of Chhattisgarh Excise Act came to be dismissed recording finding that initiation of proceedings by the Collector has been intimated to the Magistrate. Said order was put to challenge before the Sessions Judge, Mahasamund in criminal revision which also came to be dismissed vide impugned order.
2. After arguing for some time, learned counsel for petitioners seeks permission of this Court to withdraw this petition at this stage with liberty to file appropriate application for grant of interim custody of Mobile Phone in terms of Section 47(A) of C.G Excise Act before Competent Authority.
3. Learned State Counsel submits that he is having no objection to the prayer made by learned counsel for petitioners.
4. Prayer is allowed.
5. Accordingly, petition is dismissed as withdrawn with liberty as prayed for.

**Sd/-**  
**(Parth Prateem Sahu)**  
 Judge