

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 716 of 2021

1. Sheshnarayan Suryawanshi S/o Gorelal Suryawanshi, Aged About 29 Years, R/o Village Manwari, Police Station Kelahari, District Koriya (Chhatisgarh).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Sonhat, District Koriya (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate.
For Respondent	: Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

11/11/2021

- 1) This criminal revision under Section 397 read with Section 401 of Cr.P.C. has been filed against the order dated 12/08/2021 passed by the Special Judge (N.D.P.S.), Baikunthpur, Koriya (C.G.) in Special Criminal Case No. 16/2020 whereby the application under Section 451 of Cr.P.C. filed by the applicant for getting the motorcycle Bajaj CT 100 bearing registration No. CG16 CM 7927 on Supurdnama has been rejected.
- 2) Learned counsel for the applicant submits that the applicant is the registered owner of the motorcycle Bajaj CT 100 bearing registration No. CG16 CM 7927 which has been seized by the Police in connection with offence under Section 20(B) of the Narcotics Drugs and Psychotropic Substance Act on 31/07/2020. He further submits that the said vehicle is likely to be damaged due to exposure to sun and rain and it is lying idle in Police Station. Therefore, the impugned order be set aside and the said vehicle be given on Supurdnama to the applicant by imposing suitable terms and conditions.

- 3) On the other hand State counsel opposes the revision petitioner and supports the impugned order.
- 4) Heard learned counsel for the parties.
- 5) Considering the facts and circumstances of the case, the fact that the applicant is the registered owner of the motorcycle, it is of no use to keep the said vehicle in the Police Station for long period, it is directed that the said vehicle be released to the applicant on Supurdnama on the following terms and conditions :-
 - i. Applicant shall execute a bond in a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- each to the satisfaction of the Trial Court.
 - ii. Applicant must satisfy the court that he is the registered owner of the offending vehicle.
 - iii. Applicant shall not transfer or dispose of the offending vehicle to any one else and shall not make any change in its body, colour or engine. It is needless to say that make, colour, chassis number, and engine number of the offending vehicle shall be furnished by the applicant before the trial Court with an undertaking that no damage shall be caused or no part of the vehicle be substituted.
 - iv. Applicant shall also file an undertaking before the trial Court that the offending vehicle shall not be used for commission of offence; and before giving interim custody of the offending vehicle to the applicant, three coloured photographs of cabinet size from different angles clearly indicating registration number and other particulars of the vehicle shall be kept on file. The expenses for the photographs shall be borne by the petitioner.
 - v. Applicant shall produce vehicle either before this Court or before the Collector or such authorities as it may be directed, on his own expenses.

- 6) Consequently, the impugned order is set aside. The revision is **allowed** accordingly.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant