

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.1433 of 2020

- Bhupendra Kumar Sahu, S/o Ramsingh Sahu, Aged About 29 Years, R/o 238 School Para, Sirsira, Parkhanda, Village Sirsida, Tahsil Kurud, District Dhamtari, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh through Collector, Mahasamund, Chhattisgarh

---- Respondent

For Petitioner	Mr. Saurabh Sahu, Advocate
For Respondent	Mr. R. K. Bhagat, Dy. GA

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

28/01/2021

1. Learned counsel for the petitioner submits that the learned District Magistrate has initiated the confiscation proceedings of the vehicle in question and informed the fact of initiation of confiscation proceedings to the learned Judicial Magistrate trying the excise offence.
2. Section 47-D of the Excise Act would debar the Trial Magistrate from passing any order on the

application under Section 457 of CrPC for grant of custody of the vehicle after it has received the intimation from the Collector about the initiation of the confiscation proceedings.

3. Accordingly, the CRMP is disposed off. However, the petitioner would be at liberty to file an application for grant of interim custody of the vehicle in question before the District Magistrate, which will be considered and decided in accordance with law, expeditiously.

Sd/-
Sanjay K. Agrawal
Judge

Nirala