CGHC010167302026 2026:CGHC:45134

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1154 of 2026

- Amit Choudhari, S/o A.K. Choudhari, aged about 55 Years, R/o Shiv Bahar Colony, Mahmand, P.S.- Torwa Tahsil and District- Bilaspur (C.G.) Through the Power of Attorney - Samaru Manhar, Son of Late Santuram Manhar, aged about 62 Years, R/o Village- Atarra, Police Station- Hirri, District- Bilaspur (C.G.)

...Appellant

AKHILESH BEOHAR
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versus

- State of Chhattisgarh, Through the Station House Officer, Police Station- Hirri, District- Bilaspur (C.G.)

... Respondent

For Appellant	:	Mr. Kunwar Lal Sahu, Advocate.
For Respondent/State	:	Mr. Vinod Tekam, Government Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

26/10/2026

1. This appeal has been preferred by the appellant under Section 30-B(4) of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as 'the Act, 1957'), challenging the legality and propriety of the order dated 06.04.2026 passed by the Special Judge under the Act, 1957/Sessions Judge, Bilaspur, District Bilaspur, C.G., in Special Case (Mines & Minerals) No.06/2025, whereby the application filed by the appellant under Section 497 of the BNSS for grant of

supurdnama of Trolley / Trailer bearing registration No. CG22-D-1066 has been rejected.

2. Facts of the case, as projected by the appellant, are that on 16.06.2025, the aforesaid trolley along with the tractor was seized by the police of Police Station Hirri in connection with Crime No.164/2025 for the offences punishable under Section 303(2) of the BNS and Section 4(1)(A) of the Act, 1957, on the allegation of illegal transportation of sand.

3. The *supurdnama* application filed by the appellant was rejected by the learned Special Court vide the impugned order dated 06.04.2026. Hence, the appellant has preferred the instant appeal.

4. Learned counsel for the appellant would submit that appellant- Amit Choudhari is the registered owner of the trolley/trailer bearing registration No. CG22-D-1066 (Annexure A-3), Chassis No. MMAI1213. The tractor has already been granted in temporary custody/*supurdnama* to its recorded owner, Samaru Manhar, who is the power of attorney holder of Amit Choudhari, by the Judicial Magistrate First Class, Bilha, District Bilaspur, C.G. Subsequently, the police filed the charge sheet before the Special Court constituted under the Act, 1957. The Special Court rejected the *supurdnama* application filed by the appellant in respect of the trolley. He further submits that the trolley is lying in an open space within the premises of Police Station Hirri and, if it is not granted in temporary custody/*supurdnama*, its tyres and tubes may get damaged. Since the tractor has already been granted in temporary custody to Samaru Manhar, it is prayed that the appeal be

allowed, the impugned order be set aside, and the trolley/trailer be released in temporary custody to the appellant.

5. Per contra, learned counsel for the State opposes the submissions made by learned counsel for the appellant.

6. Heard learned counsel for the parties and perused the material available on record.

7. In ***Sunderbhai Ambalal Desai Vs. State of Gujarat*** reported in ***(2002) 10 SCC 283***, the Apex Court has laid down that in case of vehicles seized during investigation, they should not be allowed to deteriorate by being kept unused and unattended in the premises of the police stations. Coordinate benches of this Court in the order dated 18-11-2014 passed in Cr.M.P. No. 956/2014 **(*Arvind Kumar Pandey -v- State of Chhattisgarh*)** and in other cases also, have ordered that *Supurdnama* of vehicle can be given during trial. In view of the above, the trolley/trailer may be entrusted to the interim custody of the appellant, subject to appropriate conditions. The appellant claims to be the registered owner of the seized trolley/trailer bearing registration No. CG22-D-1066 and has filed a copy of the Registration Certificate in support of his claim. The tractor has already been released on temporary custody to its recorded owner, Samaru Manhar, who is stated to be the power of attorney holder of the appellant. Therefore, considering the aforesaid circumstances, the appellant's entitlement, and the law laid down by the Hon'ble Supreme Court in the aforesaid case as well as by this Court, the interim custody of the said trolley/trailer may be granted to the appellant, subject to appropriate directions and conditions.

8. Accordingly, the instant appeal is allowed. The impugned order dated 06.04.2026, passed by the learned Special Judge under the Act, 1957/Sessions Judge, Bilaspur, District Bilaspur, C.G., in Special Case (Mines & Minerals) No.06/2025, vide Annexure P-1 filed along with this revision, is set aside, and it is directed that the trolley/trailer bearing registration No. CG22-D-1066, relating to Crime No.164/2025 of Police Station Hirri, District Bilaspur, C.G., be released in favour of the appellant by way of interim measure till the completion of the trial or the confiscation proceedings, if initiated against the seized trolley, subject to the following conditions:

i. Appellant shall satisfy the trial Court that he is the owner of the said trolley/trailer.

ii. Before release of the said trolley/trailer, a proper *panchnama* shall be prepared.

iii. Photographs of the trolley/trailer shall be taken, and an undertaking shall also be obtained from the appellant that the trolley/trailer shall be produced as and when required during the trial or confiscation proceedings.

iv. Before release of the trolley/trailer, the owner shall furnish a personal bond of Rs.50,000/- along with proper security to the satisfaction of the trial Court.

v. Appellant shall not transfer the trolley/trailer or change its description or features.

Sd/-

(Naresh Kumar Chandravanshi)
Judge

Akhilesh