



IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.No. 88 / 2001

PETITIONER

: Sanjay Kumar Singh S/o D.N. Singh
aged about 28 years Qr.No.1D
Jene Chareda P.S. Bhilai 3.

Versus

RESPONDENTS

- :1. State of Chhattisgarh through
the Secretary Excise Department,
Secretarial, Old D.K. Hospital,
Raipur.
2. The Collector Dist : Durg,
Durg-Chhattisgarh.
3. Excise Sub Inspector Bhilai
Circle No.3. In the Office of
Collector. DURG, DURG

87/2
P. R. No.
Presented by Shri. A. A. ...
Admitted 16.7.21

Writ Petition Under Art 226/227 of the Constitution of
India.

Petitioner.

wp 88/2007

II-155
C.J.

(27)

ORDER SHEET

THE COURT.....

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Date of order or Proceeding	Order or Proceeding with signature of Presiding Officer	Signature of Parties or Pleaders where necessary
	<p><u>25.1.2001</u> :</p> <p>Mr. P.Diwakar for the petitioner. Dr.N.K.Shukla,Dy.GA for the State.</p> <p>One vehicle (Jeep) bearing registration No. M.P.24/GC-0641 was seized as on that day the vehicle was carrying 77.760 bulk litres of extra fine whiskey. Criminal case has been registered. Procee- dings are going on before the competent Magi- strate under the provisions of Excise Act.</p> <p>This petition has been made speci- fically asking this Court to give directions to the Collector to release the said vehicle during the pendency of the case. It may be stated that there is a provision that if the case is found to be proved or established, the vehicle in question could be confiscated. The submission of the learned counsel for the petitioner is that the vehicle was purchased with loan secured from Bank. In the absence of the said vehicle the petitioner is</p>	

Date of order or Proceeding	..2... Order or Proceeding with signature of Presiding Officer	Signature of Parties or Pleaders where necessary
	<p>incurring heavy loss ^{and} in as much as ^{long} money has to be repaid. In other words, it is submitted that if the vehicle is given interim custody to the petitioner, he shall at least earn some money @ out of the use of the vehicle and this will be in the interest of justice.</p> <p>The petitioner is ready and willing to abide by any terms and conditions imposed by the competent authority if interim custody of the vehicle is given to the petitioner. It is also submitted that no loss or prejudice would be caused to the State government, if interim custody of the vehicle is given to the petitioner.</p> <p>Dr. Shukla draws my attention to the amendment effected in the provisions of Excise amendment Act, prohibiting release of the vehicle seized in such a situation. It is also submitted that this court may not exercise its extra ordinary jurisdiction under Article 226 of the Constitution of India in as much as the correctness or the legality ^{of the} matter is not an issue in this petition.</p> <p>After hearing counsel for the parties, I am of the view that it will be reasonable, fair and just to allow the prayer. Accordingly</p>	

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ORDER SHEET

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Date of order or Proceeding	Order or Proceeding with signature of Presiding Officer	Signature of Parties or Pleadings where necessary
	<p>this petition is disposed of as follows :-</p> <p>i) writ petitioner shall be allowed interim custody of the vehicle in question with a direction that he shall furnish the surety bond and shall not transfer the vehicle to any other person.</p> <p>ii) Further the petitioner shall produce the said vehicle as and when required by the competent authority.</p> <p>Certified copy today</p> <p>Sd/- Chief Justice</p>	

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