

The High Court Of Madhya Pradesh
CRR-1730-2020

(CHANDRESHWAR VERMA Vs THE STATE OF MADHYA PRADESH)

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Jabalpur, Dated : 27-11-2020

Heard through Video Conferencing.

Shri Ghanshyam Sharma, learned counsel for the applicant.

Shri Punit Shrotri, learned Panel Lawyer for the State.

With the consent of learned counsel for the parties, the matter is heard finally.

This criminal revision under Section 397/401 of Cr.P.C. is directed against the order dated 13.06.2020 passed by the Special Judge (N.D.P.S.) Act, Rewa, whereby the learned Court below has rejected the application under Section 457 of Cr.P.C. for temporary releasing the vehicle on *Supurdaginama*.

Having heard the contention of the learned counsel for the parties and on perusal of the record, it is found that Vehicle -Truck Container bearing No. HR-61-B-0099 has been seized in the offence under Sections 8, 20 of the N.D.P.S. Act registered at Police Station Mangawan, Tahsil and District Rewa vide Crime No. 259/2020 as the vehicle was involved in unauthorized transportation of 159 kg *Ganja*.

It is not disputed that the applicant is the registered owner of the vehicle and he was not accompanying the vehicle at the time of incident. The learned trial Court has rejected the application because the proceeding under Section 52-A of N.D.P.S. Act was pending at that time.

In view of this Court, the aforesaid circumstance is not such for which the vehicle should be required to be kept in custody. Looking to the above facts and circumstances of the case, the applicant is entitled to get back the vehicle on *supurdaginama* till disposal of the case. Therefore, this revision deserves to be allowed. Hence, it is allowed and the impugned order is accordingly set aside and the Court below is directed to release the vehicle in

question on *Supurdginama*.

It is directed that the seized vehicle -Truck Container bearing No. HR-61-B-0099 shall be delivered to the applicant subject to producing the original registration certificate and further on satisfying the following conditions:-

(i) That, the applicant shall furnish a persona bond in the sum of Rs. 20,00,000/- (Rupees Twenty Lacs only) for the aforesaid vehicle, with one solvent surety in the like amount to the satisfaction of the trial Court on an undertaking to produce the said vehicle before the trial Court as and when required.

(ii) The applicant shall undertake not to transfer the ownership of the vehicle and not to lease it to any one and not to alienate or create any third party interest and not to make or allow any changes in it so as to make it unidentifiable.

Certified copy as per rules.

(J. P. GUPTA)
JUDGE

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