



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 356 of 2020Vijendra Singh **Versus** State of Chhattisgarh

24.01.2023	Mr. Sunil Sahu, counsel for the appellant. Mr. Neeraj Pradhan, PL for the State. Mr. Arvind Prasad, counsel for applicant – Aman Kumar Singh. Heard on I.A. No. 4/2022, which is an application filed by applicant -Aman Kumar Singh for staying the proceedings of MJC Case No. 07/2020 for confiscation of seized vehicle in view of paragraph 68 of the judgment dated 25.02.2020 during pendency of appeal. Learned counsel for the applicant would submit that Aman Kumar Singh is the registered owner of Pulsar Motorcycle bearing registration No. C.G.15 B 9705, which was seized in Special Criminal (NDPS) Case No. 05/2018, in which, vide judgment dated 25.02.2020 passed by Special Judge (NDPS Act), Sarguja, Ambikapur, appellant – Vijendra Singh has been convicted and sentenced but he (Aman Kumar Singh) was not the accused in that case. He would further submit that in impugned judgment, which has been filed by appellant, learned Special Judge, in paragraph 68, has also held that applicant – Aman Kumar Singh is owner of the vehicle and confiscation order has also been passed in impugned order, but further observed that this order will be subject to appeal, if the appeal is preferred. Now, the appeal has been preferred by appellant – Vijendra Singh bearing Criminal Appeal No. 356 of 2020 in this Court, despite that learned Special Judge



has commenced the proceedings for confiscation of aforesaid motorcycle in MJC Case No. 7/2020, hence, the said order may be stayed till disposal of this appeal.

On the contrary, learned counsel for the State opposes the application and submission made by counsel for the applicant.

I have heard learned counsel appearing for the parties and perused the material available on record.

Vide impugned judgment the vehicle in question has been ordered to be confiscated with the condition that in case of filing of appeal before the appellate Court, the same shall be disposed of in accordance with the direction of appellate Court. Appeal has been preferred by the appellant/accused against the said judgment, which has already been admitted and pending for final hearing.

On due consideration and for the reason that there is no likelihood of this appeal to come up for final hearing in near future, I am inclined to allow the application for interim custody of seized vehicle.

Accordingly, I.A. No. 4/2022 is allowed.

It is directed that interim custody of motorcycle in question be granted to its registered owner i.e. Aman Kumar Singh, S/o Shri Bijendra Singh, subject to his furnishing a bond according to the assessment and valuation to be made by the concerned trial Court.

List this case for final hearing in due course.

Sd/-

(N.K. Chandravanshi)
Judge

D/-