



2026:CGHC:14865

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 657 of 2026

Chandraprakash Suryavanshi S/o Ramavtar Suryawanshi Aged About 36 Years R/o Kacharipara, Ward No.11, Mohra, Ditt- Bilaspur (C.G.)

... Applicant

versus

State of Chhattisgarh *through*- District- Magistrate/collector Bilaspur Distt- Bilaspur (C.G.)

... Respondent

For the petitioner : Mr. Shubham Singh, Advocate

For the State : Mr. Sumit Singh, Deputy Advocate General

(Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Order on Board

30.03.2026

1. By this petition filed u/s 528 of Bhartiya Nagrik Suraksha Sanhita, 2023, the petitioner prays for a direction to quash the impugned order dated 06.02.2026 passed in Criminal Revision No. 33/2026 whereby the learned Vth ASJ, Bilaspur, District Bilaspur (C.G) affirmed the order of JMFC, Bilaspur dated 24.01.2026 passed in Criminal Case No. 22110/2025 rejecting the application for handing over the interim custody of the vehicle.

2. The offending motorcycle bearing Regn. No C.G.10 B.R. 6775 owned by the petitioner along with illicit liquor was seized for transporting the illicit Mahua liquor by other accused Harish Suryavanshi and Kuldeep Sahu without valid documents. The petitioner moved the application for releasing the said vehicle on Supurdnama. The trial Court as also the



revisional Court rejected the Supurdnama application.

3. Learned counsel for the petitioner submits that the petitioner holds all valid and effective documents" (RC, insurance, etc.) and since the seized motorcycle is not required for daily evidence, keeping it idle serves no judicial purpose and causes unnecessary financial hardship. He relies on a case law reported in ***Sunderbhai Ambalal Desai Vs. State of Gujarat (2002) 10 SCC 283*** and submits that if the seized vehicle is kept for a long time idle in the Police Station, there is danger of it being damaged by vagaries of weather and no useful purpose would be served by detaining the vehicle in the police station till the trial is concluded, therefore, it is prayed that the seized motorcycle may be released on Supurdnama.

4. On the other hand, learned State counsel vehemently opposes the submission made by learned counsel for the appellant and supported the impugned order.

5. Heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the material placed on record.

6. In the instant case, the petitioner is the registered owner of the seized vehicle. He is an accused in this case for the offence under Sections 34(2) & 59(A) of the Chhattisgarh Excise Act, 1915 and now he is on bail. The vehicle was seized from the petitioner. The revisional court held that since the jurisdiction of the court is barred during the confiscation proceedings which is currently pending before the Collector Bilaspur, therefore, it does not appear justified to hand over the said seized vehicle to the petitioner and accordingly rejected the revision affirming the trial Court order.

7. The initiation of confiscation proceedings under Section 47-A(3) of the Excise Act does not absolutely divest the registered owner of the right to seek interim custody of the vehicle, particularly when it is deteriorating while idle at a police station. The courts below have not considered that although Section 47-A(3) of the Act allows the Collector to initiate confiscation, this does not absolutely deprive the owner of interim custody of the vehicle.

8. Considering the over-all facts and circumstances of the case and in view of the law laid down by Hon'ble Supreme Court in ***Sunderbhai***



Ambalal Desai Vs. State of Gujarat (Supra) which has been further reiterated in **Multani Hanifbhai Kalubhai Vs. State of Gujarat (2013) 3 SCC 240**, I am inclined to set aside the impugned orders passed by the trial Court as also by the Revisional Court and direct the interim release of the vehicle to the petitioner on furnishing Supurdnama.

9. Accordingly, the impugned order dated 06.02.2026 passed by the Revisional Court and the order of the trial Court dated 24.01.2026 are set aside. it is directed that the interim custody of the Motorcycle bearing No. C.G.10 B.R. 6775 be handed over to the petitioner on his furnishing a bond in sum of Rs.2,00,000/- as Supurdnama with one surety in sum of Rs.2,00,000/- to the satisfaction of the trial Court and on further conditions to be imposed by the trial Court.

10. However, it is made clear that this order of interim custody shall cease to be effective in the event of confiscation proceedings already decided or upon final disposal of the criminal case. If the confiscation has already been done, the custody of the vehicle shall be in accordance with the confiscation order.

11. With the aforesaid direction/observations, the present petition stands **partly allowed**.

Sd/-
(Sanjay Kumar Jaiswal)
Judge