



2026:CGHC:10403

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Criminal Appeal No.274 of 2017**

Smt. Fuleshwari, wife of Bannudas Panika, aged about 40 years, resident of Village Balampur, Kathrapara, Police Station Sitapur, District Surguja, Chhattisgarh

---Appellant**versus**

State of Chhattisgarh, through the Station House Officer, Police Station Batauli, District Surguja, Chhattisgarh

---Respondent

9.9.2019	Shri J.K. Saxena, Advocate for Applicant Rajeev Das. Shri Amit Verma, Panel Lawyer for the Respondent/State. Heard on I.A. No.1 of 2019, which is an application submitted on behalf of Applicant Rajeev Das, the registered owner of the seized Hero Honda C.D. Deluxe Motorcycle bearing registration No.CG 15 CC 4620 for receipt of the motorcycle on supurdnama. As per prosecution story, on 28.10.2012, on the basis of information, police made a raid and caught Hero Honda C.D. Deluxe Motorcycle bearing registration No.CG 15 CC 4620 being driven by accused Ashish Kumar. At that time, co-accused Fuleshwari was also sitting over the motorcycle. On being searched, police recovered 2 Kgs. of Ganja from Ashish Kumar and 2.5 Kgs. of Ganja from Fuleshwari. After investigation, a charge-sheet was filed. After trial, vide judgment dated 10.2.2017, the Trial Court convicted and sentenced Ashish Kumar and Fuleshwari for the offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act. Learned Counsel appearing for Applicant Rajeev Das submits that Rajeev Das is the registered owner of the Hero Honda C.D. Deluxe Motorcycle bearing registration No.CG 15 CC 4620. No confiscation proceeding is pending against the	



motorcycle. The motorcycle was seized in the year 2012. It is kept idle and is deteriorating day by day. Applicant Rajeev Das needs the motorcycle for daily use. He is ready to abide by all the terms and conditions which may be imposed by this Court.

Learned Counsel appearing for the State opposes the prayer.

Considering the submissions and the facts and circumstances of the case, particularly that the motorcycle is kept idle, no proceeding relating to confiscation of the motorcycle is pending and value of the vehicle may depreciate on its remaining unused for long, I am inclined to and accordingly allow I.A. No.1 of 2019.

The Hero Honda C.D. Deluxe Motorcycle bearing registration No.CG 15 CC 4620 be released in favour of Applicant Rajeev Das on a supurdnama on his furnishing a surety in the sum of Rupees Fifty Thousand to the satisfaction of the concerned Trial Court with the following conditions that during pendency of the trial—

- (i) no third party transfer of the motorcycle shall be done by Applicant Rajeev Das,
- (ii) paint and look/design of the motorcycle shall not be changed and
- (iii) whenever order for submission/production of the motorcycle is issued, the same shall be complied with on time.

This is an admitted appeal. List it for final hearing in due course.

Sd/-

(Arvind Singh Chandel)
Judge