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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 652 of 2026

- Shahjadi Bee, W/o Mohd. Samim, aged about 27 Years, R/o Krishan Nagar, Kota Raipur, P.S. Ravishankar University District- Raipur, Chhattisgarh.

...Applicant

versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Amanaka, Raipur, District- Raipur (C.G.)

...Non-applicant

For Applicant	:	Mr. Bharat Lal Sahu, Advocate.
For Non-applicant/State	:	Mr. Siddharth Sharma, Panel Lawyer.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

07/10/2026

1. This revision has been preferred by the applicant under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, 'the BNSS, 2023'), challenging the legality and propriety of the order dated 04.11.2025 passed by the Special Judge (NDPS Act), Raipur, C.G., in Special Criminal Case No.340/2025, whereby the application filed by the applicant under Section 503 of the BNSS for grant of *supurdnama* of E-Rickshaw bearing registration No. CG04-QN-1623 has been rejected.

2. Facts of the case, in brief, are that on 16.10.2025, accused persons, namely, Yuvraj Singh Chouhan and Wajid Khan, were caught by the police of Police Station Amanaka, Raipur, while illegally transporting narcotic drug syrup, namely, Codeine Phosphate and Triprolidine Hydrochloride Syrup (Glankof-T), totalling 4000 ml, in the aforesaid E-Rickshaw. The quantity of the narcotic drug was found to be commercial in nature. Hence, an FIR was registered against them for the offences punishable under Sections 21(b) and 29 of the NDPS Act. During investigation, it was found that two other accused persons were also involved in the said incident. After completion of investigation, a charge-sheet has been filed against all four accused persons, which is pending consideration before the Special Court, Raipur.

3. Learned counsel for the applicant would submit that the applicant is the registered owner of the aforesaid E-Rickshaw, which was taken on rent by her brother, accused-Wajid Khan. He further submits that the applicant had no knowledge about the said crime and has not been prosecuted in the case. He also submits that the aforesaid E-Rickshaw was seized from accused- Yuvraj Singh Chouhan and Wajid Khan on 16.10.2025 and since then, it has been kept in an open place at Police Station Amanaka, Raipur. Being a mechanical vehicle, it is likely to be damaged if kept in such condition for a long period. Hence, he prays that the aforesaid E-Rickshaw be handed over to the applicant on temporary custody.

4. Per contra, learned counsel for the State would submit that the trial of the case is in progress. Hence, he prays that the revision may be rejected.

5. Heard learned counsel for the parties and perused the material available on record.

6. In ***Sunderbhai Ambalal Desai Vs. State of Gujarat*** reported in ***(2002) 10 SCC 283***, the Apex Court has laid down that in case of vehicles seized during investigation, they should not be allowed to deteriorate by being kept unused and unattended in the premises of the police stations. Coordinate benches of this Court in the order dated 18-11-2014 passed in Cr.M.P. No. 956/2014 (***Arvind Kumar Pandey -v- State of Chhattisgarh***) and in other cases also, have ordered that *Supurdnama* of vehicle can be given during trial. In view of above, the vehicle may be entrusted to the interim custody of the applicant subject to appropriate conditions. The applicant claims to be owner of the vehicle under seizure. He has also filed the Registration Certificate and Insurance Policy, which substantiate the aforesaid fact. The vehicle was not being used by him at the relevant time. Further, the confiscation proceeding can be initiated only after completion of trial. Therefore, looking to the circumstances present and on the basis of entitlement of the applicant, and in view of the law laid down by Hon'ble Supreme Court in above case as also by this Court, interim custody of the said vehicle can be given to the applicant on appropriate direction and condition.

7. Accordingly, the instant revision is allowed. The impugned order dated 04.11.2025, passed by the learned Special Judge, (N.D.P.S. Act), Raipur (C.G.), vide Annexure P-1 filed along with this revision, is set-aside and it is directed that the vehicle bearing registration No.CG04-QN-1623 relating to Special Criminal Case / Crime No.340/2025 of P.S. Amanaka, Raipur, C.G. be released in favour of the applicant by way of

interim measure till the completion of the trial or the confiscation proceeding if it is drawn against the seized vehicle, subject to following conditions:

i. Applicant shall satisfy that he is owner of the vehicle.

ii. Before release of vehicle, proper *panchnama* be prepared.

iii. Photographs of vehicle be taken and bond should also be produced that the vehicle would be produced if required at the time of trial or confiscation.

iv. Proper security and personal bond of the owner, amounting to present value of like vehicle, be obtained before release of vehicle.

v. Applicant shall not transfer or change description/ features of the vehicle in question.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Akhilesh