



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 1993/2024

Kaniram S/o Ramlal, Resident Of- Banskheri Dablabhoj, Police Station- Pirawa, District-Jhalawar, Rajasthan

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

For Petitioner(s) : Mr. Rajveer Singh Jhala  
For Respondent(s) : Mr. Sher Singh Mahala, PP

**HON'BLE MR. JUSTICE ANIL KUMAR UPMAN**

**Order**

**08/04/2024**

1. By way of filing of the instant miscellaneous petition, challenge has been made to the order dated 21.03.2024 passed by learned Special Judge, N.D.P.S. Cases, District Jhalawar in Criminal Misc. Application No.77/2024 (C.I.S. No. 30/2024) arising out of FIR No.14/2022 registered at Police Station Raipur (Jhalawar), District Jhalawar for the offence under Section 8/20 of NDPS Act whereby the prayer made by the petitioner for releasing the vehicle in question (Car Ford Figo) bearing registration No. RJ-17-CA-5201 on supurdagi has been declined.

2. Learned counsel for the petitioner submits that the petitioner is the registered owner of the vehicle in question which has been seized by the Police Officers in connection with the aforesaid FIR. He submits that the petitioner, being the registered owner of the vehicle in question, is the person best entitled to get back the possession of the seized property. It is also submitted that there is



no other person claiming supurdagi of the same. He further submits that the vehicle in question is presently stationed unused at the police station and soon it would become junk. He placed reliance on the judgment of the Hon'ble Apex Court in the case of **Sunderbhai Ambalal Desai vs. State of Gujarat**, reported in **AIR 2003 SC 638**.

3. Learned Public Prosecutor opposes the criminal miscellaneous petition.

4. The purport of the case law cited by learned counsel for the petitioner is that the power under Section 451 Cr.P.C. should be exercised expeditiously. The reason being that owner of the article should not suffer because of it remaining unused and the police should not be required to keep the article in safe custody. Apart from this, these seized vehicles which in a wider sense, are national property, would not be allowed to become junk day by day. It has been further laid down in the aforecited case law that while giving custody of the article, the article should be released on proper security.

5. Furthermore, in the aforecited precedent law, the Hon'ble Apex Court has held that the court should pass appropriate orders immediately and the articles should not be kept for a long time at the police station, and the procedure for disposal of the seized valuable articles, currency notes, vehicles, seized liquor and narcotic drugs has been laid down therein.

6. Considering the submissions advanced by learned counsel for the parties and in view of the ratio laid down in the aforecited case law, the present misc. petition is allowed. The impugned order dated 21.03.2024 passed by learned Special Judge, N.D.P.S.



Cases, Jhalawar in Criminal Misc. Application No.77/2024 (C.I.S. No. 30/2024) is quashed and set aside and the learned court below is directed to release the vehicle in question (Car Ford Figo) bearing registration No. RJ-17-CA-5201 to the petitioner provided he furnishes a *Supurdaginama* of Rs. 1,00,000/- and surety of like amount to the satisfaction of the trial court. The petitioner shall furnish an undertaking to the court below that he shall not sell, transfer or alienate the vehicle in question without permission of the court and that he shall not use the vehicle for any illegal and unlawful purpose in future. He shall also produce the vehicle before learned trial court as and when asked upon to do so.

(ANIL KUMAR UPMAN), J

LALIT MOHAN /89