

IA 9/26 SC 277/25

NCB VS ROGER TEBUDINJJANWA SENOGA AND ORS.

21.07.2026

Present: Sh. Avnish Singh, Ld. SPP for NCB alongwith Adv.
Suraj Sharma.

Sh. J. S. Kushwaha, Ld. counsel for accused.

Vide my separate order of even date, the present
application seeking release of vehicle is disposed off

Copy of the order be given dasti.

(Jitendra Pratap Singh)
ASJ/Spl. Judge, NDPS/N Delhi
21.07.2026/r

SC No. 277/2025

NCB Vs. Roger Tebudinijanwa Senoga & Ors.

21.07.2026

ORDER

1. Vide this order, I shall dispose of the application filed by the applicant/accused Ramakant seeking release on superdari of the taxi stated to bear registration No. DL1RTC5268, which was seized by the Narcotics Control Bureau during investigation of the present case.

2. It is stated in the application that the applicant is the registered owner of the aforesaid vehicle and earns his livelihood by operating it as a taxi. It is further stated that the applicant is the sole breadwinner of his family and that continued detention of the vehicle is depriving him of his only source of income. The applicant has, therefore, undertaken to abide by such conditions as may be imposed by the Court and to produce the vehicle as and when directed.

3. The application has been opposed by the Ld. SPP for the NCB. It is submitted that 30.383 kilograms of Pseudoephedrine was allegedly recovered from the vehicle and, therefore, the vehicle constitutes material case property and was directly used in the commission of the alleged offences. It is further submitted that the NCB has already filed an application dated 11.02.2026

seeking disposal of the vehicle, which is stated to be pending before the concerned Court. As per the Ld. SPP for the NCB, release of the vehicle may result in its alteration, disposal or misuse and may prejudice the prosecution case.

4. I have heard the learned counsel for the applicant and the learned Special Public Prosecutor for the NCB and have perused the record.

5. At the outset, it is noticed that the registration number of the vehicle has been mentioned as **DL1RTC5268** in the application, whereas the NCB has referred to the vehicle as bearing registration No. **DL1RTC6268**. The description of the vehicle as a taxi/WagonR is otherwise common to both the application and the reply. The release of the vehicle shall, therefore, be subject to verification of its correct registration number, engine number and chassis number from the original registration certificate, seizure memo and other official records. The present order shall relate only to the vehicle actually seized in the present case and claimed by the applicant.

6. There is no dispute that the vehicle is presently lying in official custody. A motor vehicle is susceptible to deterioration when kept stationary and exposed to the elements for a prolonged period. Continued detention may result in decay of its tyres, battery, mechanical components and body, thereby substantially

diminishing its value. The purpose of retaining a seized vehicle is to secure its availability for evidentiary purposes and for any eventual order regarding confiscation; it is not to permit the property to deteriorate while the trial remains pending.

7. The Hon'ble Supreme Court in *Sunderbhai Ambalal Desai v. State of Gujarat*, (2002) 10 SCC 283, emphasised that valuable articles and vehicles should not ordinarily be allowed to remain at police stations or other storage premises for an unduly long period and that appropriate orders for their interim custody should be passed after preparing the necessary panchnama, photographs and security. The Hon'ble Supreme Court has reiterated that keeping a seized vehicle in open custody serves no useful purpose when its identity and evidentiary particulars can be preserved through proper documentation.

8. The allegation that the vehicle was used for transporting a substantial quantity of a controlled substance is undoubtedly serious. However, the allegation by itself does not require that the vehicle must physically remain in the custody of the NCB throughout the trial. The question of its ultimate confiscation is distinct from the question of its interim custody. Release on superdari neither amounts to exoneration of the applicant nor creates any embargo against confiscation. The vehicle shall remain subject to the final orders of the Court under the

applicable provisions of the NDPS Act.

9. The pendency of an application filed by the NCB for disposal of the vehicle also does not, by itself, make the present application non-maintainable. Both applications concern the preservation and custody of the same case property. The interests of the prosecution can adequately be protected by completing the requisite inventory, photography and certification proceedings, wherever required, and by imposing stringent conditions upon the applicant. Section 52A of the NDPS Act contemplates preparation and certification of the inventory, photographs and representative material so that the evidentiary value of the seized property is preserved.

10. The applicant claims to be a taxi driver and asserts that the vehicle constitutes his sole means of livelihood. Though this circumstance cannot override the statutory provisions relating to confiscation, it is a relevant consideration while deciding interim custody, particularly when the prosecution's interests can be secured without allowing the vehicle to deteriorate.

11. In view of the foregoing discussion, the application is allowed. The vehicle seized in the present case, subject to verification of its correct registration number as directed above, be released to the applicant Ramakant on superdari subject to the following conditions:

- (i) The applicant shall produce the original registration certificate and documents establishing his ownership. The NCB shall verify the registration number, engine number and chassis number with the seizure memo and official registration record before releasing the vehicle.
- (ii) Before release, the Investigating Officer shall prepare a detailed inventory and panchnama recording the make, model, colour, registration number, engine number, chassis number and present condition of the vehicle. Colour photographs and a video recording of the vehicle from all sides, including its interior, registration plate, engine number and chassis number, shall also be taken and placed on record.
- (iii) The applicant shall execute a superdarinama in the sum of Rs. 5,00,000/- with one surety in the like amount to the satisfaction of the Court.
- (iv) The applicant shall not sell, transfer, mortgage, lease, create any third-party interest in, or otherwise alienate the vehicle without prior permission of the Court.
- (v) The applicant shall not change the colour, engine, chassis, body structure or any identifying feature of the vehicle. Ordinary repairs necessary for its safe use and maintenance shall, however, be permissible.
- (vi) The applicant shall keep the registration, permit, insurance and pollution-under-control certificate of the vehicle valid and shall not use the vehicle for any unlawful activity.
- (vii) The applicant shall produce the vehicle before the Court, the NCB or any other competent authority as and when directed. In case physical production becomes impracticable for any reason, the applicant shall immediately inform the Court and comply with such

further directions as may be issued.

(viii) The release shall remain subject to the final decision regarding confiscation or disposal of the vehicle. The applicant shall not claim any special equity on account of its release on superdari.

(ix) The applicant shall file an undertaking containing the aforesaid conditions along with his current residential address and mobile number and shall intimate any change thereof to the Court.

12. The NCB shall place a copy of this order before the Ld. Court where its application dated 11.02.2026 is stated to be pending. The vehicle shall be released only after verifying that no contrary or prohibitory order concerning the same vehicle has been passed by any competent Court.

13. Nothing stated herein shall be construed as an expression on the merits of the prosecution case or upon the alleged involvement of the applicant.

14. The application stands disposed of accordingly. Copy of this order be given dasti.

(Jitendra Pratap Singh)
ASJ/Spl. Judge, NDPS/N Delhi
21.07.2026/r