

41.MISC SC/686/2025(IA-1)
ST VS MAHADEV SAHANI 450/2025
RAJ PARK

21.05.2026

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
Counsel for the applicant.

This is an application for release of scooty bearing registration no. DL-11P-7853 on superdari to its registered owner on the ground that the above noted case is pending before this Court and that the applicant is the registered owner of the aforesaid vehicle and that the above said vehicle is not required for investigation purpose. Hence, the application.

Reply has already been filed by IO wherein it is mentioned that as per the recovered contraband was recovered from the possession of accused and the scooty is the case property in the present case and is required to be produced during the course of trial, hence, the said scooty may not be released as it may be possible that the accused will not produce the scooty.

Heard. Perused.

It has been held by Hon'ble High Court of Delhi in Madan Lal Vs. State, National Capital 96 (2002) DLT 803 that :

“6. On a combined reading of Sections 60 (3) and 63 it is clear that any conveyance used or carrying any narcotic drug or psytropic substance is liable to confiscation after hearing the person who may claim any right thereto and considering the evidence, if any, which he may produce, in support of the claim and confiscation order can be made only at the end of trial. Neither the said two sections or any other section contained in the Act empowers the trial court to make an order for proper custody of such a conveyance pending trial. To be noted that by virtue of Section 51, the provisions of Cod of Criminal Procedure 1973 have been made applicable in so far as they are not inconsistent with the provisions of the Act, to all warrants issued and arrests, searches and seizures mad under the Act. Obviously, provision

made in said Section 451 Cr.P.C is so far as it relates to passing of order for proper custody of conveyance pending conclusion of trial, is not inconsistent with any of the sections of the Act including Sections 60 (3) and 63. Thus, in appropriate cases order for release of conveyance used for carrying contraband pending conclusion of trial can be made under Section 451 by the court”.

Following this, Honb'le High Court of Delhi in Ashok Kumar Kapoor Vs. State of NCT of Delhi CrI.M.C No. 2360/2018 dated 02.08.2018; set aside the order of rejection of vehicle of superdari, in case FIR No. 581/2017 under Section 21/61/85 NDPS Act, and ordered release of the case property i.e. vehicle on superdari to the petitioner.

In view of the above, the vehicle DL-11P-7853 be released to the applicant/rightful owner on furnishing indemnity bond in sum of Rs. 80,000/- to the IO on furnishing formalities. Photographs of the vehicle be taken from all the angles, depicting the engine number and chassis number of the vehicle and be placed on record along with superdarinama by IO.

Since the case property is the subject matter of confiscation under Section 60 of NDPS Act which shall be decided at the end of trial, the Superdar is directed not to dispose of or create any 3rd party interest in the case property i.e. aforesaid vehicle and shall produce the same before the Court as and when directed. The application is disposed of accordingly.

Copy of the order be given dasti. Copy thereof be also sent to IO/SHO concerned for information and compliance.

(SHIVAJI ANAND)
ASJ-02/Spl. Judge (NDPS)
North-West, Rohini Courts, Delhi/21.05.2026