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**IN THE COURT OF SESSIONS JUDGE,
AT GANDHINAGAR**

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Criminal Misc. Application No.396/2026

Exh.5

Applicant :-

Rathod Chandansinh Mahendrasinh
Age : 37 years, Occupation : Agriculture,
Residing at : Sitvada, Taluka : Prantij,
District : Sabarkantha.

Versus

Opponent :-

The State of Gujarat

Appearances :-

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Learned Advocate Mr. S.G.Zala for the applicant
Learned PP Mr.H.N.Raval for the opponent- State

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-:: J U D G M E N T ::-

1. Present application is filed under Section 497 of BNSS for interim custody of Muddamal vehicle Case New Holland Construction Equipment (I) Pvt. Co. Case 770 EX 2wd Excavator machine bearing registration No.GJ-09-DA-0631. Muddamal vehicle was seized by Royalty Inspector, Assistant Geologist for the offence punishable u/s.4, 4(1A), 21 and 22 of Mines and Minerals (Development and

Regulation) Act and Rule 3, 5 and 21 of Gujarat Minerals (Prevention of Illegal Mining Transportation and Storage Rules, 2017).

2. Notice has been issued and learned PP has appeared for the opponent -State of Gujarat.
3. Learned advocate for the applicant has argued that Sessions Case No.9 of 2026 is pending and it will take time in completion of trial. Muddamal is belonging to the applicant. He further argued that no useful purpose would be served to keep the vehicle in police custody, it would be decayed if remain idle, so, subject vehicle may ordered to be released.
4. On the other hand, Learned PP appearing for the opponent-State has submitted that muddamal vehicle was used in illegal mining activity and it was seized from the spot. If muddmal vehicle is returned to applicant, muddamal vehicle would be again used in illegal activity of mining. He has lastly urged to reject the application.
5. This Court perused the record. Trial is pending and the applicant has prayed for release of above said vehicle. Muddamal vehicle was seized from the spot while illegal mining activity was going on. This Court is also in agreement with the submission of learned APP that if

muddamal vehicle is released, there is possibility of used of vehicle again in illegal mining activity. In view of the above discussion, present application deserves to be dismissed. Hence, the following order is passed :

ORDER

1. Present Criminal Misc. Application No.396 of 2026 is hereby rejected.

Signed and Pronounced in the open Court on this 16th March, 2026.

Date:- 16/03/2026
Place:- Gandhinagar.

[Ashish J.S.Malhotra]
GJ01504
Sessions Judge
Gandhinagar

/pbs Shah/