

**IN THE COURT OF A.S. KHANDELWAL, 7th JUDICIAL
MAGISTRATE FIRST CLASS, RAJKOT.**

**ORDER UNDER SECTION 497 OF THE BHARATIYA NAGARIK
SURAKSHA SANHITA, 2023**

1. The present application has been filed by the applicant Hareshkumar Vinodray Pandya under Section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), for release of muddamal currency totaling ₹ 42,000/- (Rupees Forty two thousand Only) seized in connection with FIR No. 11208044260184/2026 registered with Pradyuman Nagar Police Station for offences punishable under Sections 331(3), and 305(a) of the Bharatiya Nyay Sanhita.
2. It is the case of the prosecution that during the course of investigation, the Investigating Officer seized a total of 84 notes of ₹500 denomination totaling ₹ 84,000/- that has been alleged to have been stolen from the house of applicant.
3. The applicant has contended that the seized currency is not contraband per se and does not constitute an article whose possession is prohibited under law. It is further submitted that the seized currency is not required for the purpose of trial and that continued retention would serve no useful purpose. The applicant has expressed willingness to abide by any conditions as may be imposed by this Hon'ble Court for release.
4. The learned APP has opposed the release of currency, stating that the same may be required during the course of prosecution to establish the transaction of sale or purchase of prohibited substances. However, no specific claim is made that the currency bears evidentiary markings, serial numbers, or is otherwise unique or irreplaceable for proving the alleged

offence.

5. It is settled law that currency notes, though seized during the course of a criminal investigation, do not constitute contraband unless specifically notified or if their evidentiary value is such that they require retention till conclusion of trial. In **Sunderbhai Ambalal Desai v. State of Gujarat, 2002 (0) AIJEL-SC 30851**, the Hon'ble Supreme Court has laid down that seized property which is not required for the purpose of evidence should be returned to the rightful claimant subject to proper safeguards.
6. The valuable articles including currency notes should not be kept in custody unnecessarily, particularly when there is no likelihood of the property being required for identification or any special evidentiary purpose. Considering the facts and circumstances, and in view of the above judicial pronouncements, this Court is of the considered opinion that the seized currency totaling ₹ 42,000/- (i.e., 84 notes of ₹500) be released to the applicant, subject to the following conditions:

ORDER

- 1) The application is hereby allowed.
- 2) The Investigating Officer of Pradyuman Nagar Police Station is directed to release the following seized currency notes in connection with FIR No. 11208044260184/2026: ₹500 denomination – 84 notes
Total Amount: ₹42,000/- (Rupees Forty two Thousand Only)

Subject to the following conditions:

- a. The applicant shall furnish a personal bond of ₹42,000/- with one surety of like amount to the satisfaction of the concerned Police station.

- b. The applicant shall produce a self-attested photocopy of valid identity proof.
- c. The applicant shall undertake to produce the said currency notes or equivalent value before the Court as and when directed during the course of trial.
- d. The applicant shall not alienate, dispose of, or tamper with the currency in a manner that prejudices the proceedings of the case.
- e. The Investigating Officer shall prepare a detailed inventory of the currency, including serial numbers and denominations, before releasing the same and maintain a record in the case diary.
- f. This order shall not affect the final outcome of the trial and is subject to any further direction by this Court.

Pronounced in open Court on this 12 day of March, 2026.

12/03/2026

Rajkot

A.S. Khandelwal

7th JMFC, Rajkot