

IN THE COURT OF JUDICIAL MAGISTRATE 1ST CLASS BANIHAL.

PRESENT: Sonali Sharma

JO CODE JK00299

Date of Institution: 02-03-2026

Date of Order: 05/03/2026

Mudasir Bakshi S/o Mushtaq Ahmed Bakshi R/o Chanapora Srinagar

.....Applicant

Versus

U.T of J&K through P/S Banihal.

.....Non-Applcant

Matter : Application for release of vehicle bearing Registration No JK01AW-4650 in favor of the applicant seized by P/S Banihal in case FIR No.28/2026 Under section 281/125(a) BNS.

Advocate S.A Malik for applicant present

NC for U.T Present.

ORDER :

1. The instant application has been moved by the Ld. Counsel for applicant for release of the above mentioned vehicle seized by the non-applcant in the above mentioned FIR under section 281/125(a) BNS. It is contended in the application that the applicant is the driver of the vehicle which was seized by the non-applcant and the applicant is applying for the release of the said vehicle. It is also contended that the vehicle has valuable property hence the continuous retention may cause damage to the machinery of the vehicle and will affect its utility and if the vehicle is not released, the applicant shall suffer irreparable loss which he cannot compensate later on.
2. P/S Banihal is directed to furnish detailed report. Police report is on the file. Perusal of the police report reveals that vehicle in question has been seized by police station Banihal in case F.I.R No. 28/2026.
3. Objections have also been filed by the Ld. APP . From the objections submitted by Ld. APP, it transpires that the vehicle is an important piece of evidence and may be required during the trail of the case as such the instant is premature and therefore deserves rejection and finally prayed that the instant application for release may be rejected.
4. Heard & considered.
5. I am of the considered view that if the vehicle is not released at this stage, the applicant will suffer great loss. Therefore, The applicant undertakes to abide by all the terms and conditions which will be imposed by this Court while releasing the vehicle . Police station Banihal is directed to release the vehicle bearing registration No. JK01AW-4650 after retaining R/C of the vehicle and D/L of the Driver in favour of applicant, subject to the following conditions:

That he will produce the same before this court as and when required;

- i) That the custody of the vehicle shall be subject to the orders of the court as may be passed from time to time or on conclusion of trial;
- ii) That he will not transfer or dispose of the vehicle in any manner whatsoever without permission of this court;
- iii) That he will take necessary measures to keep the vehicle without changing its nature.

At this stage, supurdnama in the shape of undertaking is accepted and attested by this Court. Necessary direction shall go to In charge Police Station concerned for compliance. The application is accordingly disposed of. Be consigned to records after due completion.

**Announced
05/03/2026**

**Judicial Magistrate 1st Class
Banihal**

