

IN THE COURT OF 1st ADDITIONAL SESSIONS JUDGE JAMMU

File No.: 35/2026- Release

CNR No.: JKJM010018762026

Date of Institution: 28.04.2026

Date of order: 18.05.2026

In the case of:

UT of J&K Vs. Nikhil Kumar & ors.

Case FIR NO.: 147/2025 of P/S Miran Sahib, Jammu

Offences U/Ss 109/111/191(2)/117(3)/238/61 BNS,
3/27, 4/25 Arms Act

AND

In the case of:

Dev Raj S/o Amar Nath R/o W.No. 8 Near Panjpeer R.S. Pura, Jammu, J&K .

....Applicant...

(Through: Mr. Sahil Chowdhary, Advocate)

V E R S U S

UT of J&K through SHO P/S Miran Sahib, Jammu.

...Non-applicant...

(Through: Mr. Sarfraz Ahmed, Ld. APP).

In the matter of:-

Application for release of vehicle (Car bearing registration no. JK02AV-3372), seized by the non-applicant (P/S Miran Sahib, Jammu) in case FIR No. 147/2025 in favour of the applicant, who is registered owner of the aforesaid vehicle.

CORAM: Ranbir Singh Jasrotia

J.O Code-JK00079

ORDER

1. Applicant through the medium of instant application is seeking release of vehicle- (Motor Car bearing registration no. JK02AV-3372), in his favour mainly on the ground that he is the registered owner of the above said vehicle; that the vehicle in-question has been seized in aforesaid case/challan by the non-applicant and same is presently lying in the custody of Police Station Miran Sahib, Jammu; that continuous retention of the vehicle in custody is likely to subject applicant to irreparable loss for which applicant cannot be compensated later; that the applicant shall abide by all the terms and conditions imposed by this court while releasing the vehicle in favour of the applicant.
2. On presentation of this application, notice of the same was given to Ld.APP for filing objections of prosecution to the application. Ld. APP has accordingly, filed the objections.
3. Prosecution has resisted the application on the ground that the vehicle in question (Alto Car bearing registration no. JK02AV-3372) has been

seized by the non-applicant in Case FIR No. 147/2025 U/S 109/111/191(2)/117(3)/238/61 BNS, 3/27, 4/25 Arms Act of P/S Miran Sahib, Jammu as a case property; that the trial of the case is at initial stage and the vehicle is required to be identified by the witnesses during trial as such, its release at this stage will cause great prejudice to the prosecution case and in case the vehicle is released in favour of the applicant then there is every apprehension that he may dispose of the same thereby, defeating the due process of law viz-a-viz trial. Lastly, prosecution/APP has prayed for rejection of the application.

4. Heard parties and perused record on file. I have perused challan file at length. As per Seizure Memo of vehicle seized in this case, the vehicle which was seized by the non-applicant in case FIR No. 147/2025 bears registration no. JK02AV-3377 but on perusal of the facts of the case/challan and other material forming part of the charge sheet/challan, it reveals that the vehicle in question (Alto Car bearing registration no. JK02AV-3372) actually has been seized by police of P/S Miran Sahib, Jammu in Case FIR No. 147/2025 U/Ss 109/111/191(2)/117(3)/238/61 BNS, 3/27, 4/25 Arms Act.

5. I have given my thoughtful consideration to the whole aspect of the matter. Hon'ble Apex Court in the case reported as **Sunderbhai Ambalal vs State of Gujrat** 2002 Supp(3) SCR 39 has held as under;

“ In our view, whatever be the situation, it is of no use to keep such-seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.”

6. A bare perusal of the above case law would make it manifest that retaining of vehicle in custody till the stage of conclusion of trial is not going to serve any beneficial purpose either to the applicant or to the State and therefore, same in my considered opinion cannot operate as bar to release the vehicle on interim custody before conclusion of trial.

7. In the case in hand also, the vehicle in question is not required any more for investigation by police and, therefore, in the given circumstances, it will be in the interest of its registered owner, as well as, the prosecution/APP to release the said vehicle on interim custody of its registered owner. Since, applicant claims to be the registered owner of the vehicle sought to be released which fact is also supported by the photocopy of the RC of the said vehicle, placed on the record,

therefore, the application in hand is **allowed** and the vehicle in question- Motor Car- Alto bearing registration no. JK02AV-3372 is ordered to be released on interim custody (Superdari) of the applicant-registered-owner of the vehicle subject to confiscation proceedings, after retaining original R/C of the vehicle, with the following conditions;-

- i. That applicant shall not change shape and body of the said vehicle
- ii. That he shall not dispose of or transfer custody of the said vehicle by any mode till disposal of the case;
- iii. That he shall produce vehicle as and when called upon; and
- iv. That the vehicle shall not be allowed to be used for any criminal activities.

8. The applicant/registered owner shall furnish personal bond-indemnity bond (undertaking therein the aforesaid conditions also) and also furnish bond of one solvent Surety to the tune of Rs.2 Lakh/-, undertaking therein that in case of any default or violation of conditions imposed by this Court by the applicant, they shall be liable to deposit the amount of the bonds in the Court.

9. Non-applicant- SHO/ I/C P/S Miran Sahib, Jammu shall release the vehicle in favour of applicant-registered owner after preparing a detailed panchnama of the seized vehicle, after retaining original R/C of the vehicle and taking photographs of the vehicle in question from all sides, at the cost of the applicant/registered owner, and ensure that Colour, make, chasis number and Engine number of the vehicle are properly visible in the photographs. SHO/ I/C P/S Miran Sahib, Jammu is also directed to submit immediately the aforesaid documents/photographs taken from the applicant-registered owner at the time of release of vehicle in question, to this court after release of above said vehicle.

10. The application is accordingly, disposed of and be attached with the main challan file after its due compilation.

**Announced:
18.05.2026**

**Sd/-
(Ranbir Singh Jasrotia)
1st Additional Sessions Judge
Jammu**