

Superdari Application

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Present: Sh. Santokh Yadav proxy counsel for Sh. Harpal Singh Yadav
Advocate for the applicant
Sh. Dilawer Singh APP for the State assisted by
Sh. Rajesh Kumar Mining Officer

Order:-

An application has been filed by the applicant for superdari under section 497 of BNSS stating therein that vehicle i.e. truck bearing registration no. HR-55AR-5641 had been seized on 28.03.2026 and taken into possession by the Mining Officer, Department of Mines and Geology, Narnaul, District Mahendergarh.

2. That an appeal was filed by the applicant before the Director General Department of Mines and Geology, Panchkula for seeking the release of aforesaid vehicle and the same was dismissed vide order dated 08.05.2026. That the applicant undertakes that he will abide by all the terms and conditions, if any imposed by the Hon'ble court in respect of releasing the aforesaid vehicle on superdari. It is prayed that the said vehicle may be released on superdari and direction be issued to the respondents i.e. Department of mines and Geology, Narnaul.

3. Learned counsel for applicant has submitted that the vehicle in question was seized by the mining department on the basis of false case and the same is lying idle from the date of seizure i.e. 28.03.2026. That the condition of the impugned vehicle is being deteriorated day by day. It has been further argued that the applicant is ready to deposit the surety for

getting the said vehicle released on superdari. It has been further argued that it is the matter of trial where it has to be proved that whether the vehicle in question was involved in the offence or not. Therefore the application be allowed.

4. On the other hand, learned APP for the State forcefully argued that the impugned vehicle has been caught for indulging in illegal mining activity and superdari application has rightly been dismissed by the Director General Department of Mines and Geology, Panchkula, Haryana. Therefore, the application be dismissed.

5. I have heard learned counsel for the applicant and learned APP for the State and have gone through the record carefully.

6. The question as to whether the vehicle was actually involved in illegal mining cannot be decided at this stage. Admittedly, vehicle in question is lying unattended in the custody of respondent since 28.03.2026. Hon'ble Apex Court in *Sunderbhai Ambalal Desai Vs. State of Gujarat* 2003 (1) RCR (Criminal) 380 has passed specific direction that seized vehicles should not be kept at the police station for long and power under Section 451 Cr.P.C should be exercised expeditiously and the vehicle should be given on supardari by taking adequate security.

7. It is trite and well recognized that an order of confiscation of vehicle under MMDR Act or other similar statutes cannot be passed pending trial. Confiscation is considered a final punishment and passing such an order before the conclusion of the trial would prejudice the rights

of the accused and undermine the principles of natural justice. In this regard, it would be apposite to refer to the judgment of our Hon'ble Apex Court in State of M.P. Vs Madhukar Rao 2008 (1) JLJ 427. It was categorically held therein that any order of confiscation of property or vehicles should come after the conclusion of trial. Pre-mature confiscation before the trial's conclusion would violate the principle of fairness in legal proceedings. The rationale being that a pre-mature confiscation order assumes guilt before it is proven, which could be over turned if the accused is ultimately found not guilty. In numerous other judgments, various High Courts have gone on to hold that seizing authorities or Trial Court must wait for the outcome of the trial before deciding on confiscation which entails a permanent penal consequence.

8. No useful purpose would be served by keeping the vehicle in question idle as the same would lead only to its deterioration. In this regard, reliance can be placed upon judgments of our Hon'ble High Court in Gajjan Singh Vs. State of Punjab decided on 14.01.2014 passed in CRM No.M-38229 of 2013 and Vikram Bajaj Vs. State of Haryana & Ors. decided on 13.08.2020 passed in CRM-M-7901-2020 (O&M).

9. As sequel of the aforesaid discussion, the present application is allowed. The aforesaid vehicle bearing registration No. HR-55AR-5641 is ordered to be released on supardari in favour of the applicant on furnishing supardaginama in the sum of Rs.30,00,000/- to the satisfaction of SHO concerned, subject to the following conditions:

(i) That the applicant shall deposit 30% of the penalty amount, imposed by the Mining Department, in the head of Department of Mines and Geology, Mahendergarh at Narnaul.

(ii) That the applicant will preserve the vehicle in question in the same condition and will not dispose of the same without the permission of the Court and produce the same as and when directed.

(iii) That the applicant will not use or allow any person to use the vehicle in question for commission of any offence including offence under the Mines & Minerals (Regulation of Development) Act, 1957.

File be consigned to record room after due compliance.

Copy of order be accordingly sent.

Announced in open Court:
Dated: 04.07.2026
Meena SG-I

Nitin Raj
Addl. Sessions Judge,
Narnaul. UID No.HR0287

Nitin Raj
ASJ Narnaul 04.07.2026

Present: Sh. Santokh Yadav proxy counsel for Sh. Harpal Singh Yadav
Advocate for the applicant
Sh. Dilawer Singh APP for the State assisted by
Sh. Rajesh Kumar Mining Officer

Report of SHO concerned and mining department filed.

Arguments heard. Order pronounced. Vide my separate order of even date, the present application is allowed. The vehicle bearing registration no. HR-55-AR-5641 is ordered to be released on supardari in favour of the applicant on furnishing supardaginama in the sum of Rs.30,00,000/- to the satisfaction of SHO concerned, subject to the following conditions:

(i) That the applicant shall deposit 30% of the penalty amount, imposed by the Mining Department in the head of Department of Mines and Geology, Mahendergarh at Narnaul.

(ii) That the applicant will preserve the vehicle in question in the same condition and will not dispose of the same without the permission of the Trial Court and produce the same as and when directed.

(iii) That the applicant will not use or allow any person to use the vehicle in question for commission of any offence including offence under the Mines & Minerals (Regulation of Development) Act, 1957.

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