

Misc. CrI. 697/2025
STATE Vs. ROHIT
FIR No. 22/2025
PS- (Badarpur)

07.07.2026

This is an application filed on behalf of the applicant namely Rohit for the release of the vehicle, bearing Registration No. DL 3CBQ 3541 on superdari.

Present: Sh. Shiv Kumar, Ld. Addl. PP for the State.
Sh. Vipin Kumar, Ld. Counsel for the
applicant/accused. (through VC)

1. By this order, I shall dispose of an application filed by the registered owner/applicant Rohit seeking release of vehicle i.e. Hyundai Verna Car, bearing Registration No. DL 3CBQ 3541 on superdari.
2. Reply to the application is received. Copy already supplied.
3. As a matter of fact, the FIR was registered with FIR bearing no. 22/2025 under Section 20 of NDPS Act registered at PS Badarpur and in the said FIR, the present vehicle was seized as the same was used by the accused to transport illegal contraband, which was recovered from the accused. The present application is filed by the applicant Rohit, who is the registered owner of the vehicle.
4. In reply to the present application, the State has opposed the releasing of the present vehicle on the ground that said vehicle is an importance piece of evidence and same is required during the trial.
5. I have heard the counsel for the applicant as well as Addl. PP for the State.

6. Before venturing into the facts of the present case, the law is settled by the Hon'ble Supreme Court of India in case titled as "**Biswajit Dey Vs. The State of Assam**" SLP (Crl.) No.13370/2024 and to proper adjudicate the matter in hand, the relevant paragraphs of the said judgment are hereby reproduced:

27. Though the risk of misuse by the accused or third party of the same plane or bus or ship cannot be ruled out, yet the Courts do not take coercive action on the basis of fear or suspicion or hypothetical situation.

28. Undoubtedly, the Vehicle is a critical piece of material evidence that may be required for inspection to substantiate the prosecution's case, yet the said requirement can be met by stipulating conditions while releasing the Vehicle in interim on superdari like videography and still photographs to be authenticated by the Investigating Officer, owner of the Vehicle and accused by signing the said inventory as well as restriction on sale/transfer of the Vehicle.

BROADLY SPEAKING THERE ARE FOUR SCENARIOS

29. Though seizure of drugs/substances from conveyances can take place in a number of situations, yet broadly speaking there are four scenarios in which the drug or substance is seized from a conveyance. Firstly, where the owner of the vehicle is the person from whom the possession of contraband drugs/substance recovered. Secondly, is where the contraband is recovered from the possession of the agent of the owner i.e. like driver or cleaner hired by the owner. Thirdly, where the vehicle has been stolen by the accused and contraband is recovered from such stolen vehicle. Fourthly, where the contraband is seized / recovered from a third-party occupant (with or without consideration) of the vehicle without any allegation by the police that the contraband was stored and transported in the vehicle with the owner's knowledge and connivance. In the first two scenarios, the owner of the vehicle and/or his agent would necessarily be arrayed as an accused. In the third and fourth scenario, the owner of the vehicle and/or his agent would not be arrayed as an accused.

30. This Court is of the view that criminal law has not to be applied in a vacuum but to the facts of each case. Consequently, it is only in the first two scenarios that the vehicle may not be released on superdari till reverse burden of proof is discharged by the accused-owner. However, in the third and fourth scenarios, where no allegation has been made in the chargesheet against the owner and/or his agent, the vehicle should normally be released in the interim on superdari subject to the owner furnishing a bond that he would produce the vehicle as and when directed by the Court and/or he would pay the value of the vehicle as determined by the Court on the date of the release, if the Court is finally of the opinion that the vehicle needs to be confiscated.

7. As per the law laid down above, the present case is covered under the fourth category, wherein, contraband is seized / recovered from a third-party occupant (with or without consideration) of the vehicle without any allegation by the police that the contraband was stored and transported in the vehicle with the owner's knowledge and connivance. In the third and fourth scenario, the owner of the vehicle and/or his agent would not be arrayed as an accused, thereby, law is in favour of the applicant. Therefore, this court is inclined to release the vehicle i.e. Hyundai Verna Car, bearing Registration No. DL 3CBQ 3541 to the present applicant.

8. Accordingly, the present application stands allowed.

9. The vehicle i.e. Hyundai Verna Car, bearing Registration No. DL 3CBQ 3541 is directed to be released on superdari subject to furnishing superdarinama to the tune of Rs. 1,00,000/- (Rupees One Lakh Only) to the satisfaction of the IO/SHO concerned subject to the following conditions:

(I) That Photographs with CD of the vehicle, chasis number/ engine number be clicked prior to release of the vehicle at the cost of the applicant. The photographs be got signed from

the applicant.

(II) That The MHC (M) shall get verified the invoices/Bill/RC etc, if any, from the compete company.

(III) That IO shall prepare detail punchnama mentioning colour, appearance, chasis number, registered owner, engine number and other necessary details of the vehicle.

(IV) That the applicant shall not dispose of the vehicle without permission of the court.

(V) That the applicant/accused shall produce/surrender the vehicle as and when required/ordered by the court during the trial or at the conclusion of the trial.

(VI) That the applicant to ensure vehicle in question is not misused in any manner during the said interim custody period.

10. A copy of the order be given dasti. The application stands disposed of accordingly.

(HONEY)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /07.07.2026