



2026:CGHC:12661



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****Criminal Revision No.243 of 2026**

Mohammad Imran S/o Rizwan Hasan, Aged About 39 Years R/o-
Padri Jawar, P/o Tala, P/S Kanhai Hanuman Ganj, District
Pratapgarh, Uttar Pradesh Through Power Of Attorney Rizwan
Hasan S/o Noseer Ali, Aged About 75 Years, R/o Padri Jawar, P/o
Tala, P/s Kanhai Hanuman Ganj, District Pratapgarh, Uttar Pradesh
... **Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Police
Station Basna, District Mahasamund (C.G.) ... **Non-Applicant**

For Applicant : Shri Shubham Tripathi, Advocate.

For Non-Applicant/State : Ms. Khulesh Sahu, PL.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****17.03.2026**

1. This Criminal Revision under Section 438 of BNSS, 2023 has
been filed against the order dated 21.01.2026 passed by the



Special Judge NDPS Court, Saraipali, District Mahasamund in Case No.03/2026 whereby, the application preferred by the Applicant under Section 497 of BNSS for releasing the seized vehicle on *Supurdnama* has been rejected.

2. As per the prosecution case, on 10/11/2025, during routine vehicle checking by Police Station Basna, vehicle bearing registration No.UP 72 BT 3907 coming from Padampur (Odisha), was intercepted and searched. Upon inspection, a total of 60 kilograms of illegal contraband ganja (commercial quantity) was recovered and seized from the joint possession of the accused persons. The said vehicle bearing Engine No. 3.3NGD05NXX533829 and Chassis No. MAT843004N7N26894, was found to be used for the unlawful transportation of the contraband substance. Accordingly, offences under the NDPS Act and other relevant provisions were registered against the accused persons.

3. The Applicant filed an application under Section 497 of BNSS before the learned trial Court for taking vehicle bearing registration No.UP 72 BT 3907 on *Supurdnama*, categorically stating that he is the registered owner of the said vehicle and therefore, he is entitled to take his vehicle which has been seized by the police. The said application of the Applicant was rejected by the learned trial Court vide impugned order dated 21.01.2026. Hence, this Revision.



4. Learned counsel for the Applicant submits that the Applicant is the registered owner of the vehicle bearing registration No. CG-UP 72 BT 3907. It is further submitted that the said vehicle was being used by the Applicant for his business, i.e., transportation purposes and that the charge-sheet has already been filed. It is also contended that the Applicant is not an accused in the present case, rather, Saddam Hussain and one other co-accused namely Kiyamuddin have been implicated and the Applicant had given the vehicle to his brother Saddam and he had no knowledge of the alleged transportation of contraband ganja. Lastly, it is submitted that the seized vehicle is lying in an open space at the police station resulting in gradual deterioration of its machinery and overall condition, therefore, it would be appropriate to release the vehicle on *Supurdnama*.

5. On the other hand, learned State Counsel vehemently opposes the submissions made by learned Counsel for the Applicant and supports the impugned order. However, it is fairly submitted that the ownership of the said vehicle is not disputed. It is further submitted that confiscation proceedings under the relevant provisions are pending before the District Magistrate, Mahasamund.

6. I have heard learned Counsel for the respective parties and perused the order impugned with utmost circumspection.



7. The Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat, reported in (2002) 10 SCC 283**, in para 7 and 17 has laid down guiding principles for releasing the vehicle seized by police. For ready reference, the relevant portion is reproduced below:-

"7. In our view, the powers under Section 451 CrPC should be exercised expeditiously and judiciously. It would serve various purposes, namely:

- i. Owner of the article would not suffer because of its remaining unused or by its misappropriation;
- ii. court or the police would not be required to keep the article in safe custody;
- iii. if proper panchnama before handing over possession of the article is prepare, that can be used in evidence instead of its production before the court during the trial. If necessary, evidence could also be recorded describing the nature of property in detail; and
- iv. this jurisdiction of the court to record evidence should be exercised promptly so that there may not be further chance of tampering with the articles.

17. In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police station 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."

8. Similar stand has also been taken by the Supreme Court in the case of **Multani Hanifbhai Kalubhai Vs. State of Gujarat & Another, reported in 2013 (3) SCC 240**, wherein the Supreme Court has expressed that it is not advisable to keep the seized vehicle in



the Police Station in open condition which is prone to natural decay on account of whether conditions for a long period.

9. Recently in the matter of **Bishwajit Dey Vs. State of Assam, reported in (2025) 3 SCC 241**, the Hon'ble Supreme Court observed that the seized vehicle is not liable to confiscation if the owner of the seized vehicle can prove that the vehicle was used by the accused person without the owner's knowledge and has held in para 25 as under:-

25. Upon a reading of the NDPS Act, this Court is of the view that the seized vehicles can be confiscated by the trial court only on conclusion of the trial when the accused is convicted or acquitted or discharged. Further, even where the court is of the view that the vehicle is liable for confiscation, it must give an opportunity of hearing to the person who may claim any right to the seized vehicle before passing an order of confiscation. However, the seized vehicle is not liable to confiscation if the owner of the seized vehicle can prove that the vehicle was used by the accused person without the owner's knowledge or connivance and that he had taken all reasonable precautions against such use of the seized vehicle by the accused person.

10. In the instant case, it is pertinent to mention the most important facts of the case that the offending vehicle bearing registration No.UP 72 BT 3907 was seized on 10.11.2025, the Applicant has not been arrayed as an accused, there has been no objection to his ownership, he has a right to raise any other grounds and also reserving to submit all relevant documents. It is also necessary to note that no useful purpose would be served if the said vehicle is allowed to get exposed in the extreme weather conditions in the



Police Station, rather the said vehicle can be released to the Applicant, who is claiming himself to be the owner of the article, so that he can use it and the said vehicle does not become junk after some time.

11. Taking into consideration the entire facts and circumstances of the case in light of the decisions rendered by the Hon'ble Supreme Court in the matter of **Sunderbhai Ambalal Desai (Supra)**, **Multani Hanifbhai Kalubhai (Supra)** and **Bishwajit Dey (Supra)** and also considering the fact that the confiscation proceedings are pending, the order dated 21.01.2026 passed by the Special Judge NDPS Court, Saraipali, District Mahasamund in Crime No.459/2025 is hereby set aside.

12. In view of the above, it is directed that the said vehicle be released in favour of the Applicant on interim custody upon furnishing a *Supurdnama* in the sum of Rs.10,00,000/- (Rupees Ten Lakhs) along with one solvent surety of the like amount and a Bank guarantee of Rs.5,00,000/- (Rupees Five Lakhs) to the satisfaction of the trial Court concerned. The release shall further be subject to any additional conditions that may be imposed by the trial Court.

13. With the aforesaid observation/directions, the present Criminal Revision stands **disposed of**.

Sd/-
(Sanjay Kumar Jaiswal)
Judge