



2026:CGHC:15671



2026:CGHC:15670

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 675 of 2026

Dinesh Pradhan S/o Shiv Shanker Pradhan Aged About 43 Years R/o Gram Beltikri, P.S. Singhoda, District Mahasamund (CG)

--- **Petitioner(s)**

versus

State Of Chhattisgarh Through Station House Officer, P.S. Singhoda, District Mahasamund (Cg)

--- **Respondent(s)**

CRMP No. 716 of 2026

Akash Gupta S/o Mohan Gupta Aged About 34 Years R/o Gram Chivra Kuta P/s Singhoda, District- Mahasamund, Chhattisgarh.

--- **Petitioner(s)**

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station Singhoda, District- Mahasamund (C.G.)

--- **Respondent(s)**

For Petitioners	:	Mr. Nikhil Wadhwani, Advocate
For Respondent/State	:	Mr. Anish Tiwari, Dy. Govt. Adv.

**CRMP No. 626 of 2026**

Bhupendra Kumar Sahu S/o Shri Liladhar Sahu Aged About 45 Years R/o Ward No. 10, Mandhar, Distt. Raipur, Chhattisgarh. Petitioner/revisionist Through Special Power Of Attorney Holder M/s Avkheen Trailer Service Through Prof. K. Subramanyam, R/o Plot No. 12, 43/H, Transport Nagar, Hathkhoj, Bhilai, Distt. Durg, Chhattisgarh.

... Petitioner(s)**versus**

State Of Chhattisgarh Through P.S. Singhoda, Distt. Mahasamund, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Mr. Virendra Kashyap, Advocate
For Respondent/State	:	Mr. Anish Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****06.04.2026**

1. These three petitions under Section u/s 528 of BNSS have been filed against the orders dated 10.02.2026 passed by learned First Sessions Judge, Saraipali, District Mahasamund (C.G.) in Criminal Revision Nos. 05/2026, 06/2026 & 07/2026 affirming the orders dated 09.01.2026 passed by the JMFC, Saraipali, District Mahasamund whereby the applications filed by the petitioners for interim custody of the seized vehicles were rejected.
2. The case, in nutshell, is that petitioner Dines Pradhan is the registered owner of the seized vehicle Tata Ace bearing



registration No. CG 06 GY 4536 and petitioner Akash Gupta is the registered owner of seized vehicle Bolero Pickup bearing Registration No. CG 06 GS 7478. M/s Evergreen Tractor Service, through its proprietor K. Subramaniam, is the registered owner of three LPG tankers bearing registration Nos. CG 07 CX 7244, CG 07 CX 7245, and CG 07 CS 1663. The proprietor has executed a power of attorney in favor of petitioner Bhupendra Kumar Sahu.

3. On the night of 23.12.2025, between 10:00 PM and 11:00 PM, these vehicles were found involved in the illegal extraction of LPG from capsule trucks and the refilling of empty cylinders using nozzle pipes. This was being done by the accused, Prakash Gupta, along with his labourers, Aslam Khan and Deva (alias Rakesh Vishwakarma). The activity was being carried out under the cover of darkness at a goat shed/farmhouse located in front of Navjeevan Hospital, Chiwrakuta (NH-53), under Singhpura Police Station. On 24.12.2025, the Food Inspector of Saraipali, Mr. Avinash, submitted a written application for legal action regarding the illegal and clandestine refilling of flammable LPG gas. Based on this application, a case was registered and these five vehicles along with other vehicles and articles were seized from the spot. During the investigation, the police apprehended Prakash Gupta son



of Mohan Gupta, who in his memorandum statement said that the Indane Gas Agency is operated in the name of his father Mohan Gupta and the incident site Bakri Set Farm House is in his name and under the protection of Mohan Gupta, both father and son together do the work of illegal gas refilling.

4. The applications moved by the petitioners before the JMFC, Saraipali, District Mahasamund, seeking the release of the seized vehicles on Supurdnama, were rejected vide order dated 09.01.2026. Aggrieved by the rejection, the petitioners preferred revision petitions before the First Sessions Judge, Saraipali, which were also dismissed vide impugned order dated 10.02.2026, thereby affirming the trial court's order. Consequently, the petitioners have filed these three petitions.
5. Learned counsel appearing for the petitioners submit that the petitioners are not accused in the case. Mohan Gupta, his son Prakash Gupta and their two labourers Aslam Khan and Deva (alias Rakesh Vishwakarma) are the accused in this case. The petitioners have valid and effective documents required for the said vehicles to be released on Supurdnama. They further submit that if the seized vehicles are kept for a long time idle in the Police Station, there is danger of they being damaged by vagaries



of weather and no useful purpose would be served by detaining the vehicles in the police station till the trial is concluded, therefore, it is prayed that the seized vehicles may be released on Supurdnama.

6. On the other hand, learned State counsel vehemently opposes the submission made by learned counsel for the petitioners and supported the impugned order.
7. I have heard learned counsel for the respective parties and perused the order impugned with utmost circumspection.
8. 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."

9. 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.

10. 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.

11. In the instant case, it is pertinent to mention that the petitioners are not the accused in this case. The vehicles in question were seized 24.12.2025. Petitioner Dinesh Pradhan is the registered owner of Tata Ace bearing registration No. CG 06 GY 4536, petitioner Akash Gupta is the registered owner of vehicle Bolero Pickup bearing Registration No. CG 06 GS 7478 and M/s Evergreen Tractor Service is the owner of three LPG Tankers bearing registration Nos. CG 07 CX 7244, CG 07 CX 7245 & CG 07 CS 1663. Its proprietor is K. Subramaniam who has executed a power of attorney in favour of petitioner Bhupendra Kumar Sahu. The ownership of the seized vehicles is undisputed. It is also necessary to note that no useful purpose would be served if the said vehicles are allowed to get exposed in the extreme weather conditions in the Police Station, rather the said vehicles can be released to the petitioners, who are claiming themselves to be the owner of the vehicles, so that they can use it and the said vehicles do not become junk after some time. It is also pertinent to mention here that in this case, it is found that the said vehicles are left for natural decay for a long



period and no substantive action has been taken and the said vehicles are still left for irreparable damages.

12. 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 have not yet been carried out, the impugned order dated 10.02.2026 is hereby set aside.
13. It is directed that interim custody of the seized vehicles be immediately handed over to the petitioners by way of Supurdnama, subject to the satisfaction of the trial Court, under the following conditions:
- i) Tata Ace (Reg. No. CG 06 GY 4536) to be released to petitioner Dinesh Pradhan upon furnishing a personal bond of Rs. 3,00,000/- with one surety.
 - ii) Bolero Pickup (Reg. No. CG 06 GS 7478) to be released to petitioner Akash Gupta upon furnishing a personal bond of Rs. 5,00,000/- with one surety.
 - iii) Three LPG Tankers (Reg. Nos. CG 07 CX 7244, CG 07 CX 7245, and CG 07 CS 1663) to be released to petitioner Bhupendra Kumar Sahu upon furnishing a



personal bond of Rs. 20,00,000/- with one surety for

each tanker.

Furthermore, the Trial Court shall be at liberty to impose any other proper and reasonable conditions it deems necessary to ensure the production of the vehicles during the trial.

14. With the aforesaid observation/directions, the present three petitions stand **allowed**.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai