



2026:CGHC:15421



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 696 of 2026

Jaleshwar Kashyap S/o Shri Sukdev Kashyap Aged About 40 Years R/o Village- Khaira, Daganiya, P.S.- Ratanpur, District-Bilaspur(CG)

... Appellant

versus

State Of Chhattisgarh Through-Station House Officer, Police Thana - Seepat, Bilaspur, District Bilaspur (Cg)

... Respondent

For Appellant : Mr. Avinash K. Mishra, Advocate

For State : Mr. Akhilesh Kumar, Govt. Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

02.04.2026

1. The appellant has preferred this appeal under Section u/s 30-B(4) of the Mines and Minerals (Development and Regulation) Act, 1957 being aggrieved of the order dated 31.01.2026 passed by learned Special Judge, Mines and Minerals (Development & Regulation) Act, 1957, Bilaspur, District Bilaspur in Special Case (Mines & Minerals) No.



37/2025 whereby the application filed u/s 497 of BNSS for releasing the vehicle on Supurdnama, has been rejected.

- 2.** The Vehicle (Tractor Trolley) bearing Registration No. C.G.10/AK-0553 was seized by the Police in Crime No.629/2025 registered at Police Station Seepat, Bilaspur for the offence under Section 303(2), 3(5) of BNS & Sections 4(1)(A) and 21 of Mines and Minerals (Development & Regulation) Act, 1957. An application was moved by the present appellant registered owner for releasing the seized vehicle on Supurdnama which was rejected by the Special Judge, Bilaspur vide order dated 31.01.2026 leading to the filing of this appeal. The said application was rejected by the Special Judge on the ground that the vehicle was involved in illegal mining of sand in Khaira area, District Bilaspur.
- 3.** Learned counsel for appellant submits that the appellant is the registered owner of the said vehicle and he has valid and effective documents required for the said vehicle to be released on Supurdnama. He further submits that if the seized vehicle is kept for a long time idle in the Police Station, there is danger of it being damaged by vagaries of weather and no useful purpose would be served by detaining the vehicle in the police station till the trial is



concluded, therefore, it is prayed that the seized vehicle may be released on Supurdnama.

4. On the other hand, learned State counsel vehemently opposes the submission made by learned counsel for the appellant and supported the impugned order. However, he submits that there is no previous record of the appellant.
5. I have heard learned counsel for the respective parties and perused the order impugned with utmost circumspection.
6. 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."

7. 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.

8. 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. 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.

9. In the instant case, it is pertinent to mention that there is no objection to the ownership of the appellant. At the



relevant time, the said vehicle was being driven by driver Amar Kewant. 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 appellant, who is claiming himself to be the owner of the vehicle, so that he can get the vehicle into optimum utilization thereby it does not become junk and suffer irreparable loss. In this case, it is found that the said vehicle is left idle for a long period and is still put to irreparable damages.

10. Considering the 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)**, the instant appeal is **allowed** and the impugned order dated 31.01.2026 is hereby set aside.
11. Accordingly, it is directed that the interim custody of the Tractor Trolley bearing Registration No. C.G.10/AK-0553 be immediately handed over to the appellant on his furnishing a personal bond in sum of Rs.10,00,000/- with one surety to the satisfaction of the trial Court by way of Supurdnama. He shall further furnish a Bank Guarantee in sum of Rs. 4,00,000/-. The appellant shall also submit



an undertaking that he will not alter the nature, condition, or colour of the vehicle/equipment during the interim period nor shall he create a third party right or interest over the said vehicle. He shall also undertake that he shall produce the vehicle as and when required by the Court during trial. He shall further undertake to produce the vehicle to any competent authority under any other statutes as and when required.

- 12.** With the aforesaid observation/directions, the present appeal stands **allowed**.

**Sd/-
(Sanjay Kumar Jaiswal)
Judge**

Khatai