



2026:CGHC:22563

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 489 of 2026

- Nandan Kumar, S/o Shri Ajay Kumar Tiwari, aged about 34 Years, R/o BH 333, First Floor Sector 12, Bhawrai Dewras Basti, Gaziabad (U.P.), Through its Power of Attorney Namely Anil Kumar (Wrongly Mentioned as Anil Singh in the Impugned Order), S/o Devendra Kumar, aged- 28 Years, R/o House No. 938, Sunder Puri Nagar Vijay Nagar (Wrongly Mentioned As Sunder Nagar Vijay Nagar In Impugned Order), District-Gaziabad (U.P.).

...Applicant

versus

- State of Chhattisgarh, Through Police Station, Keshkal, District-Kondagaon (C.G.)

... Non-applicant

For Applicant	:	Mr. Siddharth Rathod, Advocate.
For Non-applicant/State	:	Mr. Dharmesh Shrivastava, Additional Advocate General

(Hon'ble Shri Justice Radhakishan Agrawal)

Order on Board

13/05/2026

1. This criminal revision has been preferred under Sections 438 read with 442 of the Bharatiya Nyaya Suraksha Sahita, 2023 (for short, 'BNSS'), calling in question the legality, propriety and correctness of the order dated 06.02.2026 passed by the learned Special Judge, NDPS Act, 1985, Kondagaon, District Kondagaon (C.G.) in Disposed Special Case No.10/2024.



2. Learned counsel for the applicant submits that in the present case, accused- Anil Kumar has already been acquitted by the learned Special Judge, NDPS Act, 1985 vide judgment dated 15.01.2026. It is further submitted that in paragraph 20 of the said judgment, the learned trial Court has clearly observed that the seized vehicle, i.e., Nissan Sunny Car bearing registration No. UP16-AL-1465, shall be liable to be confiscated only in the event no claim is made within a period of six months from the date of judgment, and in case of filing of an appeal, the matter would be subject to the orders of the appellate Court. It is contended that the applicant, being the registered owner of the said vehicle, through his power of attorney holder, preferred an application before the trial Court on 06.02.2026 seeking release of the said vehicle on *supurdnama* along with necessary documents, including the power of attorney. However, instead of deciding the said application on merits, the learned trial Court, vide impugned order dated 06.02.2026, directed the Station House Officer to proceed in terms of paragraph 20 of the judgment. He further submits that the applicant has preferred his claim well within the stipulated period of six months as contemplated in the judgment itself. It is also submitted that no confiscation proceedings have been initiated by the State and, to the best of his knowledge, no appeal has been preferred by the State against the acquittal of accused- Anil Kumar dated 15.01.2026. Therefore, it is argued that the applicant is entitled to the custody of the said vehicle and the impugned order deserves to be set aside.
3. Per contra, learned counsel for the State submits that the State has not preferred any appeal against the acquittal order passed by the trial



Court dated 15.01.2026 and it is not disputed that the applicant is the registered owner of the vehicle through his power of attorney holder.

4. I have heard learned counsel for the parties and perused the material available on record.
5. From perusal of the judgment dated 15.01.2026 passed by the learned Special Judge, NDPS Act, Kondagaon in Special Case No.10/2024, particularly paragraph 20, it is quite evident that the learned trial Court directed that the seized vehicle shall be confiscated in favour of the State Government only in the eventuality where no claim is made within a period of six months from the date of the judgment and that in case of filing of an appeal, the disposal of the seized property would be subject to the orders of the appellate Court.
6. In the present case, the record (Annexure A-1) clearly demonstrates that the applicant, claiming himself to be the registered owner of the vehicle, has already preferred an application before the trial Court on 06.02.2026 for release of the vehicle on *supurdnama*, which is well within the period of six months as stipulated by the trial Court itself. Therefore, the condition precedent for confiscation, namely non-filing of claim within the prescribed period, is not satisfied in the present case. It is further not in dispute that the accused- Anil Kumar has been acquitted by the learned trial Court, no appeal has been preferred by the State against the acquittal, and no independent confiscation proceedings have been initiated by the competent authority. Once a valid claim has been made by the registered owner within the stipulated time, the vehicle cannot be allowed to remain in custody of the police or be subjected to disposal without adjudicating the claim of the owner.



7. The learned trial Court, while passing the impugned order dated 06.02.2026, appears to have overlooked the fact that a proper claim application supported by relevant documents had already been filed by the applicant. Instead of adjudicating the said application, the trial Court proceeded to direct the Station House Officer to act in terms of the judgment dated 15.01.2026, which, in the considered opinion of this Court, is not in accordance with law.
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 prepared, 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. In the instant case, it is pertinent to mention that there is no objection to the ownership of the applicant, who is the Power of Attorney Holder. The applicant- Nandan Kumar was not the accused in this case. It is also necessary to observe that no useful purpose would be served by allowing the vehicle to remain exposed to extreme weather conditions at the police station. Rather, the vehicle deserves to be released to the applicant, who claims to be its owner, so that it may be put to proper use and does not deteriorate into junk, thereby suffering irreparable loss. It is evident that the vehicle has already remained idle for a considerable period and is continuing to suffer damage.
11. Considering the facts and circumstances of the case and in light of the principles laid down by the Hon'ble Supreme Court in the aforesaid decisions, this Court is of the considered view that the impugned order dated 06.02.2026 deserves to be set aside.
12. Accordingly, the criminal revision is allowed. The order dated 06.02.2026 passed by the learned Special Judge, NDPS Act, 1985, Kondagaon, District Kondagaon (C.G.) in Disposed Special Case No.10/2024 is hereby set aside. The learned trial Court is directed to release the vehicle, i.e., Nissan Sunny Car bearing registration No. UP16-AL-1465, in favour of the applicant, Nandan Kumar, on *supurdnama*. The applicant, Nandan Kumar, being the registered owner of the said vehicle, shall himself furnish a *supurdnama* in the sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the satisfaction of the concerned trial Court, which shall remain effective for a period of six



2026:CGHC:22563

months. Applicant- Nandan Kumar shall also undertake to produce the vehicle as and when directed by the Court or any competent authority and shall not transfer or create any third-party interest in the said vehicle during the said period.

13. With the aforesaid observations and directions, the present criminal revision stands allowed.

Sd/-
(Radhakishan Agrawal)
Judge

Akhilesh