

GAHC020008642025

2026:GAU-NL:80



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
KOHIMA BENCH

Case No. : CRL.REVN/11/2025

SMTI. DEBILOTA KARDUNG
W/O AGAM KARDUNG, R/O JONAI SUB DIVISION, ASSAM-787060

VERSUS

UNION OF INDIA AND ANR
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA,
MINISTRY OF FINANCE, NEW DELHI-110001

2:INTELLIGENCE OFFICER
DIRECTORATE OF REVENUE
INTELLIGENCE
DIMAPUR REGIONAL UNIT
DIMAPUR NAGALAND

Advocate for the Petitioner : NISUKA CHISHI, ALITO SWU

Advocate for the Respondent : CGSC,

**BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

ORDER

23/02/2026

The present application under Section 438 read with 442 of the BNSS 2023 has been filed praying for release of the seized vehicle Bolero (white) bearing registration No. MN06LA5656, Engine No. GPC4A29661, Chassis No. MA1PS2GPKC5A12821 and ignition Key.

2. Heard learned counsel for the petitioner, Mr. Nisuka Chishi. The learned counsel submits that the petitioner is the owner of the seized vehicle bearing registration No. MN06LA5656, Engine No. GPC4A29661, Chassis No. MA1PS2GPKC5A12821 and the same was seized in connection with GR. 816/2023 arising out of Dimapur Case No. 03/CL/NDPA/Opium/DRI/Riru/2023-2024, U/S 20 (b), (ii) (C), 29 and 60 of NDPS Act. The petitioner's vehicle Bolero (white) mentioned herein above was seized by the investigating agency on 14.12.2023 and is still lying in the custody of Directorate of Revenue Intelligence, Dimapur (DRI), Dimapur Regional Unit.

3. It is stated that the petitioner had filed another zimma application before the learned Special Judge, NDPS which was rejected by an order dated 05.12.2024.

4. Being aggrieved, the petitioner has approached this Court praying for release of the aforementioned vehicle pending disposal of the GR.

816/2023.

5. The learned counsel or the petitioner has placed reliance on the case of *Sunderbhai Ambalal Desai Vs. State of Gujarat (2002) 10 SCC 283* wherein the Hon'ble Supreme Court has stated that whatever be the situation it is of no use to keep seized vehicle at the police station for a long period. It is for the Magistrate to pass appropriate bonds and guarantee as well as security for return of the said vehicle if required at any point of time.

Learned counsel further relies on the case of *General Insurance Council and Others Vs. State of Andhra Pradesh and Others* reported in *(2010) 6 SCC 768* wherein it was further held that when vehicle are seized and kept in various police stations, not only do they occupy substantial space but they are also prone to fast natural decay on account of weather conditions.

6. Relying on the above mentioned judgments, the learned counsel for the petitioner submits that it is settled law that such seized vehicles cannot be kept for long in the custody of the investigating agency as the same is prone to natural decay and will lose its road worthiness. It is therefore, prayed that seized vehicle Bolero mentioned herein above, maybe released to the petitioner who is the rightful owner of the vehicle pending disposal of the GR. 816/2023.

7. This Court has noted that the notice on respondent No. 2/ DRI has been effected. By order dated 27.01.2026, this Court has held that notice

is deemed to be complete upon respondent No. 2. Thereafter, opportunities were given to the respondent No. 2 to enter appearance on several occasions. On 20.02.2026 also none appeared for the respondent No. 2 when the matter was called. The respondent No. 1 is represented by learned counsel, Mr. Chingyang Phom appearing on behalf of the learned CGSC however, he has submitted that the main respondent in the present case is the respondent No. 2.

8. Learned counsel for the petitioner also submits that he has contacted the Special Public Prosecutor, DRI at Dimapur, and has informed him about the listing of the case today, however, none appears for the respondent No. 2 today also.

9. The Court has given its due considerations to the submission made by the learned counsel for the petitioner and have also perused the pleadings and enclosures in the petition. The order of the learned Principal District & Sessions Judge dated 05.12.2024 has also been perused. From the order dated 05.12.2024, it is seen that the petitioner is also an accused person against whom chargesheet has been filed in GR. 816/2023. Even though the accused/petitioner is the owner of the seized vehicle, the learned court below has dismissed the application of the petitioner on the ground that the petitioner is an accused in the case.

10. The general principles regarding interim release of seized vehicles during pendency of a trial specially, under the NDPS Act is not in doubt. The Hon'ble Supreme Court in the cases of *Sunderbhai Ambalal Desai (Supra)* and *General Insurance Council (Supra)* have laid down the general

principles that it is not advisable to keep seized vehicles at the police station for a long period of time. It is not disputed that such principles are to be followed in normal circumstances. However, in NDPS cases, where the accused himself is the owner of the vehicle, it is very likely that the seized vehicle would be confiscated by the special court at the end of the trial.

11. The registered owner being the accused bears the onus to prove lack of knowledge or connivance regarding the use of contraband in the vehicle. The accused/ petitioner might have knowingly participated in the unlawful act as she was also in the seized vehicle when the contraband was recovered from the same. The possibility that the petitioner might re-misuse the vehicle cannot be ruled out. A perusal of the trial court records reveals a prima facie case against the petitioner/ accused for involvement in the case.

12. And therefore, this Court is of the view that the learned trial court has not committed any infirmity or illegality by dismissing the zimma petition of the petitioner.

In view of the facts and circumstances as stated above, the petition is rejected and disposed of.

JUDGE

Comparing Assistant