

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

CrIA(D) 58/2023 CrIM(1446/2023)

UT TH. POLICE STATION KHREW ...Petitioner/Appellant(s)

Through: Ms Maha Majeed, AC vice
Mr. Mohsin Qadri, Sr. AAG
Vs.

MOHAMMAD SHAFI DAR ...Respondent(s)

Through: Mr. Asif Maqbool, Advocate

CORAM:

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDE R (Oral)

05.05.2026

1. This Appeal by the Union Territory of Jammu and Kashmir is directed against an order and judgment dated 14th July, 2023 passed by the Court of Additional Sessions Judge [“Special Judge Designated under NIA Act”], Pulwama, whereby the learned Special Judge has directed the release of vehicle (truck) vide Registration No. JK13-2397, seized by the Police Station Khrew in FIR No. 52/2021 under Sections 18, 19, 23 and 39 of the UAP Act.
2. The impugned order is challenged on the ground that the Special Judge has not appreciated that the vehicle seized by the police was an important piece of evidence and, therefore, should not have been released, as there was every apprehension of the respondent tampering with such evidence.
3. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the order and judgment passed by the Special Court does not suffer from any legal infirmity calling for interference by us in this appeal.

4. The Special Judge has taken care of the apprehension of the prosecution while passing the order of release, in that the release of the vehicle has been made subject to the conditions enumerated in the order itself. Amongst others, one of the conditions is that the respondent shall not dispose of the vehicle and will produce the same before the Court or the Investigating Officer as and when required. A further condition imposed by the Special Judge is that the respondent shall not allow the vehicle to be used in the commission of any offence etc. etc.
5. Having regard to the fact that the vehicle released on temporary basis on 14th July, 2023 is fairly old vehicle, it would not serve any purpose to withdraw the impugned order and seize the vehicle at this stage. That apart, the apprehensions raised by the appellant in this appeal have been well taken care of by the Special Judge.
6. For the forgoing reasons, we find no reason or justification to interfere with the order or judgment passed by the Special Judge and the appeal is accordingly **dismissed**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

05.05.2026

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