

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 1225/2026

Santosh S/o Shri Narayan Singh, Aged About 52 Years, R/o
Godhat Fateh Sagar, Jodhpur Rajasthan

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Kunal Bishnoi
For Respondent(s)	:	Mr. Anurag Jyani for Mr. Mahaveer Bishnoi (AAG)

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

10/02/2026

Learned counsel for the petitioner submits that in the present case he had approached the trial Court for release of the vehicle, in light of judgment passed by this a Co-ordinate Bench of this Court in **Chaina Ram Vs. State of Rajasthan** (S.B. Criminal Misc. Petition No.597/2024, decided on 19.05.2025). But however, the trial Court refused to release the same stating that confiscation proceedings have been initiated, whereas no complaint under Section 54(6) has been filed before any competent Court, and merely on oral submission it cannot be presumed to have been initiated.

In view of the same, the trial Court was wrong in rejecting the application and not complying with the condition set out in case of **Chaina Ram**.

Learned Additional Advocate General present in the Court is not in a position to dispute that the order has been passed on the

oral submissions, and it is stated that if confiscation proceedings are initiated, the trial Court would be upraised of the same.

In view of the same, this Court is inclined to allow the present criminal misc. petition and set aside the order dated 07.02.2026 and remand the matter back to learned Additional Chief Judicial Magistrate Cum Judicial Mobile Magistrate, Jodhpur Mahanagar, District Jodhpur for fresh decision upon the application filed by the petitioner. The learned trial Court will consider the fact as to whether confiscation proceedings have been initiated under the MMCR Rules 2017 and only thereafter pass appropriate orders in accordance with law.

With these observations, the present criminal misc. petition is allowed.

(BALJINDER SINGH SANDHU),J