

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

S.B. Criminal Writ Petition No. 819/2026

Pukhraj Vishnoi S/o Shri Bhanwar Lal, Aged About 31 Years,
Resident Of Jajiwal Jambheshwar, Jajiwal Kallan, District Jodhpur

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Subhash Bishnoi

For Respondent(s) : Mr. NS Chandawat, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

25/02/2026

1. By way of filing the instant writ petition, challenge has been made to the order dated 04.02.2026 passed by the learned Upper Session Judge Court No.5, District Jodhpur in Criminal Revision Application No.32/2026 pertaining to FIR No. 387/2025 registered at Police Station Banar, District Jodhpur West whereby the prayer made by the petitioner for releasing the vehicle in question (Maruti Swift) bearing registration No. RJ 19 CG 5801, has been declined.

2. Learned counsel for the petitioner submits that he is the owner of the vehicle in question which has been seized by the Police Officers. He further submits that the petitioner being the registered owner of the vehicle in question, is the person best entitled to get back the possession of the seized property. There is no other person claiming supurdagi of the same.

3. Learned Public Prosecutor opposed the instant criminal writ petition.

4. Considering the submissions and following the judgment rendered by Hon'ble the Supreme Court in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat***, reported in AIR 2003 SC 638 and the order dated 18.11.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No.2005/2022 [SLP (Crl.) No.7280/2022) titled as ***Sainaba Vs. The State of Kerala & Anr.***, wherein, the vehicle involved in a crime under NDPS Act was directed to be released on terms and conditions to be determined by the Special Court, the instant writ petition is allowed and this Court deems it just and appropriate to release the vehicle in question in favour of the petitioner on interim custody till conclusion of the trial provided he furnishes a Supurdaginama of Rs. 4,00,000/- and surety of like amount to the satisfaction of the Court below.

(FARJAND ALI),J