

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

S.B. Criminal Revision Petition No. 1000/2026
CNR: RJHC010638942026 | URN: CRLR / 2227U / 2026

Hemant Kadvasara S/o Mangalaram Kadvasara, Aged About 35
Years, R/o Shiv Nagar, Ward No.3, Kuchera, Teh. Mundwa,
District Nagaur (Raj)

-----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

-----Respondent

For Petitioner(s)	:	Mr. Mahendra Kumar Dudy
For Respondent(s)	:	Mr. Sri Ram Choudhary, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

ORDER

23/07/2026

1. The present criminal revision petition under Sections 438/442 of the BNSS has been filed by the petitioner assailing the order dated 10.06.2026 passed by the learned Special Judge, NDPS Act Cases, Nagaur, whereby the petitioner's application under Section 503 of the BNSS for release of car bearing registration No. RJ-21-CC-5172 (verna car), which was seized in connection with FIR No.33/2026 registered at Police Station Kuchera, District Nagaur, on *supurdgi* was dismissed.
2. Learned counsel for the petitioner submitted that as per the prosecution, the police has confiscated the vehicle in question being driven by the petitioner himself carrying 43.32 kilograms of contraband (poppy husk/straw).
3. Learned counsel submitted that the vehicle bearing registration No. RJ-21-CC-5172 (verna car) may be released on

supurdgi, as keeping the seized vehicle lying at the police station for a prolonged period serves no useful purpose. It was further submitted that it is a settled principle of law that, ordinarily, a seized vehicle should be released on interim custody to its registered owner, subject to such terms and conditions as may be imposed by the Court.

4. *Per contra*, learned Public Prosecutor submitted that the controversy involved in the present case is squarely covered by the judgment rendered by this Court in the case of ***Jasakaran Singh Alias Jassi Vs. State of Rajasthan, S.B. Criminal Revision Petition No.472/2026***, wherein it was held that where the petitioner himself is found transporting narcotic drugs or psychotropic substances and is unable to produce any valid licence permitting such transportation, the vehicle ordinarily ought not to be released on interim custody, as its release may facilitate its further use in similar unlawful activities.

5. Heard learned counsel for the parties. Perused the material available on record.

6. Having considered the rival submissions, the facts and circumstances of the case, and upon perusing the impugned order as well as the case file, this Court finds that, the himself was present inside the vehicle in question at the time police recovered the said contraband. The same has been recorded by the learned Court below in the impugned order in paragraph 4.

7. At this juncture, this Court is required to assess the nature of involvement of the vehicle and the role attributed to its owner. All cases involving seizure of vehicles under the NDPS Act cannot be placed on the same footing and, therefore, the relationship of the

owner with the alleged offence must be examined carefully. In the present case, the petitioner is the registered owner of the offending vehicle and was alighting from the vehicle in question and trying to flee on foot.

8. Therefore, *prima facie*, there appears to be a direct nexus between the petitioner and the alleged offence, as he was present in the vehicle and fled from the spot. Consequently, the statutory presumptions under Sections 35 and 54 of the NDPS Act would operate against the petitioner at this stage.

9. In the opinion of this Court, the argument advanced by the learned Public Prosecutor that the present case is squarely covered by the judgment rendered by this Court in ***Jasakaran Singh Alias Jassi (supra)*** finds merit.

10. Keeping in view the observations made by this Court in ***Jasakaran Singh Alias Jassi (supra)***, and considering that the petitioner himself was the driver as well as the registered owner of the vehicle in question and was found to be transporting narcotic drugs or psychotropic substances and, at the relevant time, fled on foot upon seeing the police party, the present criminal revision petition deserves to be and is hereby dismissed.

11. All pending applications, if any, also stand disposed of.

(KULDEEP MATHUR),J