

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

S.B. Criminal Miscellaneous Application No. 474/2026

CNR: RJHC010680552026

URN: CRLMA / 784U / 2026

Subhash Kumar S/o Ram Asra, Aged About 27 Years, R/o Post Office Goyala Pannar Koydi 358, Nalagarh, Solan Himchal Pradesh.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Mines And Minerals Department, Government Of Rajasthan

-----Respondents

For Petitioner(s) : Mr. Prakash Banjara

For Respondent(s) : Mr. Ramesh Dewasi, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

14/07/2026

The present misc. application has been filed seeking modification in the order dated 03.07.2026 passed by this Court in S.B. Criminal Revision Petition No.968/2026 whereby this Court has directed the learned trial Court to release the truck bearing No.HP-12-N-6225 in favour of the registered owner i.e. the present petitioner.

For the reasons mentioned in the application, the same is allowed and the order dated 03.07.2026 is modified as under:-

'1. By way of filing the present criminal revision petition under Section 442 read with 438 of BNSS, the petitioner has prayed for releasing the Ashok Leyland Goods Carrier Open Truck bearing registration No.HP-12-N-6225 on supurdaginam which has been seized in connection with **Criminal Misc. Case No. 232/2016 (CIS**

No.28/2026) pursuant to FIR No.39/2026 registered at Police Station Hamirgarh, District Bhilwara, Rajasthan.

2. Learned counsel for the petitioner submitted that the Hon'ble Supreme Court of India in the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat** reported in **2002 (10) SCC 283** was pleased to hold that the vehicle should not be permitted to remain parked for a long period of time in the police station as the same shall gather rust and shall not remain useful thereupon. Learned counsel submitted that the impugned order dated 02.06.2026 whereby the prayer for release of vehicle in favour of the petitioner was refused, deserves to be set aside.

3. Learned Public Prosecutor has opposed the prayer made on behalf of the petitioner for release of the vehicle.

4. Relying upon the judgment of the Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat** reported in **2002 (10) SCC 283**, the present petition is allowed and the learned trial Court is directed to release the vehicle Ashok Leyland Goods Carrier Open Truck bearing registration No.HP-12-N-6225 which has been seized as case property in connection with **Criminal Misc. Case No. 232/2016 (CIS No.28/2026) pursuant to FIR No.39/2026 registered at Police Station Hamirgarh, District Bhilwara, Rajasthan**, by imposing the following conditions:-

- a) That the petitioner shall keep the vehicle so released intact and shall not change its identification;
- b) That the petitioner shall produce the vehicle as and when required by the trial court for proposed identification of the case property;
- c) That the petitioner shall execute Supurdginama/indemnity bond and two sureties bond to the satisfaction of the trial court, and
- d) The trial court is empowered to impose any other conditions in the Supurdginama/indemnity bond and surety bonds to be fulfilled by the petitioner, which it may deem fit.

5. Needless to say, the trial court shall first verify that the petitioner is the registered owner of the vehicle in question before releasing the same.

6. Consequently, the present criminal revision petition is allowed.

7. All pending applications, if any, also stand disposed of.'

This order shall be treated as a part and parcel of the order dated 03.07.2026.

(KULDEEP MATHUR),J