

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 4857/2023

Umar Khan S/o Nadan Khan, R/o Katfla Police Station Aklera,
District Jhalawar (Raj).

-----Petitioner

Versus

State of Rajasthan, through PP

-----Respondent

For Petitioner(s)	:	Mr. Ali Mohammed Khan
For Respondent(s)	:	Mr. M.S. Shekhawat, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

10/12/2025

1. The instant misc. petition has been filed under Section 482 Cr.P.C. assailing the order dated 17.07.2023 passed by learned Special Judge (NDPS Cases) and Additional Sessions Judge, Bhawanimandi, District Jhalawar in Criminal Misc. Application No.77/2023 (In Sessions Case No.19/2020) arising out of FIR No.241/2019 registered at Police Station Gangdhar, District Jhalawar for offence punishable under Section 8/21 of NDPS Act whereby the prayer made by the petitioner for releasing the vehicle in question (truck) bearing registration No.RJ-33-GA-1297 on supurdagi has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner is the registered owner of the vehicle in question which has been seized by the Police Officers in connection with the aforesaid FIR. He 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. It is also submitted that there is no other person claiming supurdagi of the same. He further submits that the vehicle in question is presently stationed unused at the police station and soon it would become junk. He placed reliance on the judgment of the Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai vs. State of Gujarat**, reported in **AIR 2003 SC 638**.

3. Learned Public Prosecutor opposes the criminal miscellaneous petition.

4. A case status report dated 10.12.2025 has been received from the learned Additional Sessions Judge, Bhawanimandi, Jhalawar stating that in Sessions Case No.19/2020, PW-1 and PW-2 are being summoned and next date for hearing is 05.02.2026. The said report is taken on record.

5. The purport of the case law cited by learned counsel for the petitioner is that the power under Section 451 Cr.P.C. should be exercised expeditiously. The reason being that owner of the article should not suffer because of it remaining unused and the police should not be required to keep the article in safe custody. Apart from this, these seized vehicles which in a wider sense, are national property, would not be allowed to become junk day by day. It has been further laid down in the aforecited case law that while giving custody of the article, the article should be released on proper security.

6. Furthermore, in the aforecited precedent law, the Hon'ble Supreme Court has held that the court should pass appropriate orders immediately and the articles should not be kept for a long time at the police station, and the procedure for disposal of the

seized valuable articles, currency notes, vehicles, seized liquor and narcotic drugs has been laid down therein.

7. Considering the submissions advanced by learned counsel for the parties and in view of the ratio laid down in the aforecited case law, the present misc. petition is allowed. The impugned order dated 17.07.2023 passed by learned Special Judge (NDPS Cases) and Additional Sessions Judge, Bhawanimandi, District Jhalawar in Criminal Misc. Application No.77/2023 (In Sessions Case No.19/2020) is quashed and set aside and the learned court below is directed to release the vehicle in question (truck) bearing registration No.RJ-33-GA-1297 to the petitioner provided he furnishes a *Supurdaginama* of Rs.7,00,000/- (Rupees Seven Lakh Only) and surety of like amount to the satisfaction of the trial court. The petitioner shall furnish an undertaking to the court below that he shall not sell, transfer or alienate the vehicle in question without permission of the court and that he shall not use the vehicle for any illegal and unlawful purpose in future.

8. Stay application and pending application(s), if any, also stand disposed of.

(ANIL KUMAR UPMAN),J