



2026:UHC:4636

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>WPCRL No.1075 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mrs. Sheetal Selwal, Advocate for the petitioner.</p> <p>Mr. Sandeep Sharma, A.G.A. and Mr. Sunil Upadhaya, Brief Holder for the State of Uttarakhand.</p> <p>2. This writ petition has been filed by the petitioner for a direction to the respondents to release forthwith the vehicle bearing no.UK04 AN 9810 registered in the name of the petitioner, which has been seized and at present is standing idle in Police Station, Haldwani, District Nainital.</p> <p>3. The petitioner was arrested in connection with the recovery of 132 grams of <i>Smack</i>. In addition to the alleged contraband, aforesaid Scooty was also seized. It is contended that the applicant moved an application seeking release of the seized Scooty. The learned trial Court, vide order dated 02.06.2026 rejected the prayer for release of the aforesaid Scooty. Aggrieved thereby, petitioner has approached this Court.</p> <p>4. Learned counsel for the petitioner submits that, as per the prosecution case, the Scooty in question was allegedly used for transportation of contraband; however, no cogent material has been placed on record to substantiate such allegation. There is no prima facie material to establish that the aforesaid Scooty was used for illegal transportation of narcotic substances. It is argued that the vehicle was merely a mode of conveyance for the petitioner and cannot ipso facto be treated as instrumental in the commission of the alleged offence. It is also</p>



			<p>submitted that the vehicle has been lying in the custody of the police since long and continued detention would result in its deterioration and depreciation in value.</p> <p>5. Reliance is placed on the judgment of the Hon'ble Supreme Court in <i>Sunderbhai Ambalal Desai v. State of Gujarat</i>, reported in (2002) 10 SCC 283, wherein it was held that prolonged retention of seized vehicles at police stations serves no fruitful purpose. The Magistrate must pass immediate orders for interim release upon appropriate bond, guarantee, or security, to prevent loss or depreciation.</p> <p>6. Per contra, learned State Counsel submits that the vehicle was found to be involved in the illegal transportation of contraband and, accordingly, proceedings for confiscation have been initiated, and the vehicle remains in the custody of the concerned police station.</p> <p>7. Heard learned counsel for the parties and perused the material available on record. The ratio laid down in <i>Sunderbhai Ambalal Desai Vs. State of Gujarat</i> squarely applies to the facts of the present case, particularly with regard to expeditious release of seized vehicles to prevent undue hardship and avoid deterioration, subject to appropriate safeguards.</p> <p>8. In view of the foregoing discussion, the writ petition is allowed. The competent authority is directed to release the aforesaid Scooty in favour of the petitioner/registered owner forthwith, subject to her furnishing adequate bonds and sureties to the satisfaction of the Court concerned and upon her undertaking that: (i) she shall produce the vehicle as and when required during investigation or trial; (ii) she shall not transfer, alienate, or create any third-party interest in the vehicle without prior permission of the Court; and (iii) she shall</p>
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2026:UHC:4636

maintain the vehicle in proper condition. It is made clear that such release shall not prejudice the trial pursuant to F.I.R. No.105 of 2026.

(Alok Mahra, J.)

10.06.2026

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