

Court No. - 15

Case :- APPLICATION U/S 482 No. - 4315 of 2023

Applicant :- Moinuddin Khan

Opposite Party :- State Of U.P. Thru. Its Prin. Secy. Home,
Deptt. U.P.

Counsel for Applicant :- Parmanand Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
2. The instant application under Section 482 CrPC has been filed seeking a direction to the court below not to insist the applicant to file separate surety bonds in each and every ten vehicles and accept only one sureties in lieu of Case Crime No.328 of 2020, under Sections 406, 420, 120B IPC, Police Station Hazratganj, District Lucknow.
3. Brief facts of the case are that applicant is registered owner of vehicle Nos.UP32 HY 9144, UP32 EP 7777, UP32 ER 2302, UP32 FS 1515, UP32 FS 0143, UP32 DU 5100, UP32 DU 5100, UP32 GB 7501, UP32 JC 2332, UP32 FX 9974 and UP32 BF 5255 which are duly registered in the Transport Department, UP. The vehicles are used to run on the road in transport business by the applicant. On 24.10.2020 the vehicles were seized by the police authorities of police station Hazratganj, District Lucknow in favour of government from Sarojani Naidu Underground Parking.
4. In this case there is no counter affidavit on record.
5. Learned counsel for the applicant submits that the applicant has moved release application before the Magistrate concerned stating therein that applicant is a registered owner of the vehicle in question which is duly registered at Transport Department, UP and is involved in transport business. The release application of the applicant has been allowed by District Magistrate vide orders dated 21.07.2022 and 26.09.2022. Learned counsel for the applicant submits that his vehicle have been illegally seized. In support of his submission, learned counsel for the applicant has relied on the judgment of the Supreme Court in **Sunderbhai Ambalal Desai Vs. State of Gujarat, 2003 (1) JIC 615 (SC)** in which it has been held that

it is of no use to keep the seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles. He has also drawn the attention of the Court on the provisions of Sections 451 and 457 CrPC. He has also submitted that the applicant is ready to comply with all the conditions imposed upon him while releasing the vehicle.

6. Learned AGA has no objection against the submission of the counsel for the applicant.

7. I have given thoughtful consideration to the contentions raised by the counsel of the applicant as well as learned AGA and gone through the record as well as on the provisions of Code of Criminal Procedure.

8. In view of above, the applicant is directed that the personal bonds and undertaking shall be executed separately and distinctly for each and every vehicle in question. However, only two surety bonds may be executed for all the vehicles.

9. With the aforesaid observation, this application is disposed of.

Order Date :- 1.6.2023

Shahroz