



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR/561/2026</u> Rishabh Butola Revisionist Versus State Of Uttarakhand Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Amit Tyagi and Mr. Gaurav Nagpal, learned counsel for the revisionist. 2. Mr. Prabhat Kandpal, learned A.G.A. along with Mr. Jai Prakash Kandpal, learned Brief Holder for the State. 3. Present criminal revision has been filed against the order dated 06.05.2026 passed by learned Special Judge N.D.P.S. Act/1st Addl. Sessions Judge, Dehradun in Misc. Criminal Case No.232 of 2026 (S.S.T. No.22 of 2025) , whereby the application filed by the revisionsit to release of the seized vehicle in favour of the revisionist has been dismissed by the said court. 4. Learned counsel for the revisionist would submit that the revisionist is the registered owner of the vehicle in question, namely, Scooty bearing Registration No. UK-12 G-1215; that, an F.I.R. dated 16.09.2025 was lodged at Police Station Raipur, District Dehradun, under Sections 8/20/29/60 of the Narcotic Drugs and Psychotropic Substances Act, 1985; that, according to the prosecution case, on 16.09.2025, while the police party was on routine patrolling duty, the aforesaid scooty, allegedly being driven by the



		revisionist with a co-accused as pillion rider, was intercepted. It is alleged that they were apprehended and, upon search, contraband (charas) was allegedly recovered from their possession; that, consequently, the revisionist was arrested, sent to judicial custody and the aforesaid scooty was seized by the Investigating Officer in connection with the said case. 5. Learned counsel further submits that the revisionist has already been enlarged on regular bail by this Court vide order dated 06.04.2026; that, however, despite the grant of bail, the seized vehicle continues to remain parked in the premises of Police Station Raipur, District Dehradun, exposed to sun, rain and other vagaries of nature without any proper maintenance; that, continued retention of the vehicle in such conditions would inevitably result in its deterioration in value and mechanical damage, therefore, in these circumstances, the revisionist moved an application under the relevant provisions of law before the learned Special Judge, N.D.P.S. Act/1st Additional Sessions Judge, Dehradun, registered as Misc. Criminal Case No. 232 of 2026 (S.S.T. No. 22 of 2025), seeking interim release (supurdgi) of the seized vehicle, however, the said came to be rejected by the learned trial Court vide the impugned order dated 06.05.2026. Hence, this revision. 6. Learned counsel for the revisionist would further submit that the impugned order is wholly unsustainable in law and has been passed without proper appreciation of the statutory provisions governing confiscation of property under the N.D.P.S. Act; that, the Sections 60 and 63 of the N.D.P.S. Act contemplate confiscation of a vehicle only upon
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		adjudication by the competent Court after conclusion of the trial and recording of requisite findings; that, mere seizure of a vehicle during investigation does not automatically disentitle the registered owner from seeking its interim custody; that, the learned trial Court has erroneously proceeded on the assumption that release of the vehicle would frustrate the proceedings for confiscation, whereas the question of confiscation can be determined only after culmination of the trial. 7. Learned counsel further submits that the impugned order is contrary to the settled principles laid down by the Hon'ble Supreme Court in <i>Sunderbhai Ambalal Desai v. State of Gujarat</i>, (2002) 10 SCC 283, wherein it has been categorically held that no useful purpose is served by allowing seized vehicles to remain stationed in police premises for an indefinite period, as such vehicles invariably deteriorate with the passage of time. The Hon'ble Apex Court has emphasized that criminal courts should ordinarily release seized vehicles to their rightful owners on appropriate terms and conditions so as to preserve their value and utility. 8. He would further submit that the issue is no longer <i>res integra</i> in view of the recent judgment of the Hon'ble Supreme Court in <i>Bishwajit Dey v. State of Assam</i>, 2025 (1) RCR (Criminal) 486, wherein the Hon'ble Apex Court has authoritatively held that there exists no express statutory prohibition under the N.D.P.S. Act against interim release of a seized vehicle pending trial and that the criminal court possesses ample jurisdiction to release such vehicle in exercise of its powers, subject to appropriate safeguards ensuring its
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			production whenever required during the proceedings. 9. Learned counsel also submits that the learned trial Court has failed to consider the aforesaid binding precedents and has also overlooked the practical reality that the vehicle is continuously lying in an open space within the police station premises, thereby being subjected to corrosion and depreciation. It is argued that if the vehicle is permitted to remain in such condition till conclusion of the trial, which may take considerable time, it would be rendered virtually unusable, thereby causing irreparable financial loss to the revisionist. It is, therefore, prayed that the vehicle be released in favour of the revisionist on such terms and conditions as this Court may deem fit and proper to impose. 10. Per contra, learned State counsel opposed the submissions advanced on behalf of the revisionist and supported the impugned order. However, he fairly did not dispute the legal principles enunciated by the Hon'ble Supreme Court in the aforesaid decisions regarding interim release of seized vehicles. 11. Heard learned counsel for the parties and perused the material available on record. 12. It is not disputed that the revisionist is the registered owner of the vehicle in question. It is also undisputed that the vehicle has remained in the custody of the police since its seizure and is lying in the open premises of the police station. The revisionist has already been enlarged on regular bail and there is nothing on record to indicate that release of the vehicle on appropriate terms would prejudice the prosecution case or adversely affect the
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			trial. 13. The Hon'ble Supreme Court in <i>Sunderbhai Ambalal Desai (supra)</i> has categorically held that seized vehicles should not be permitted to remain parked in police stations for long periods as they lose their value and utility. The same principle has recently been reiterated in <i>Bishwajit Dey (supra)</i>, wherein it has been held that there is no statutory embargo under the N.D.P.S. Act against interim release of a seized vehicle pending trial and that such release can be granted subject to suitable safeguards. 14. In the facts and circumstances of the present case, this Court is of the considered opinion that the learned trial Court failed to exercise the jurisdiction vested in it in accordance with the settled principles of law and rejected the application on considerations which are legally unsustainable. Accordingly, the impugned order warrants interference in exercise of the revisional jurisdiction of this Court. 15. Accordingly, the order dated 06.05.2026 passed by the learned Special Judge, N.D.P.S. Act/1st Additional Sessions Judge, Dehradun in Misc. Criminal Case No. 232 of 2026 (S.S.T. No. 22 of 2025) is hereby set aside. The learned trial Court is directed to release the seized Scooty bearing Registration No. UK-12 G-1215 in favour of the revisionist, being its registered owner, on his furnishing a personal bond and two reliable sureties to the satisfaction of the trial Court, subject to the following conditions: (i) The revisionist shall not transfer, alienate, create any third-party interest or alter the identity of the vehicle during the pendency of the trial
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			without prior permission of the trial Court. (ii) The revisionist shall produce the vehicle before the trial Court or the Investigating Agency as and when directed. 16. It is made clear that before release, the Investigating Officer shall prepare a detailed inventory of the vehicle, mentioning its registration number, engine number, chassis number and present condition, and shall also take coloured photographs/videography thereof, which shall form part of the judicial record. The release of the vehicle shall remain subject to the final order regarding confiscation, if any, to be passed by the competent Court in accordance with law after conclusion of the trial. 17. With above observations and directions, the criminal revision is allowed. 18. Pending application(s), if any, shall stand disposed of accordingly. (Alok Mahra, J.) 05-08-2026 Mamta
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