



2026:AHC:53190

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5163 of 2025

Jitendra Alias Jitendra Bind

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s) : Jaya Agrahari, Priya Dubey, Ravi Jha,
Sharadey Mishra

Counsel for Opposite Party(s) : G.A.

Court No. - 87

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the revisionist and learned A.G.A. for the State.
2. The present criminal revision has been filed by the revisionist against the impugned judgment and order dated 30.07.2025 passed by District Magistrate, Ghazipur in Case No. 46/2025, Computerize Case No. D202514290000046 (State Vs. Jitendra Bind), Under Section 3/5A/5B/8 of Uttar Pradesh Prevention of Cow Slaughter Act, 1955 and 3/25 Arms Act, Police Station-Khanpur, District-Ghazipur.
3. The genesis of the F.I.R. is as follows: on 23.11.2024 at about 2:40 A.M., the Station House Officer, P.S. Khanpur, District Ghazipur, along with police personnel, was on night patrol and vehicle checking duty near Singarpur Market. Acting on information from a reliable informer that a pickup vehicle through Vilaage Tetarpur carrying cows for slaughter was proceeding towards (Bihar) via Chandauli, the police party intercepted a pickup vehicle bearing No. UP61BT8940 coming from the said direction.
4. On being signaled to stop, two persons attempted to flee; there were three persons sitting in the Pickup one person was apprehended at the spot, the driver was identified as Jitendra Bind S/o Makhanchi Bind. From his personal search, one country-made pistol (.315 bore) and one live cartridge were recovered. Upon inspection of the vehicle, six bulls and one cow were found alive. The animals were in distressed condition.
5. Learned counsel for the revisionist has submitted that the impugned order dated 30.07.2025 was passed without the application of judicial mind and without considering the specific facts of the case. The learned District Magistrate did not assign any cogent reason for declining to release the vehicle pickup vehicle No. UP61BT8940 in favour of the revisionist on a personal bond; instead, the court directed to deposit the present cost of money of the said vehicle and confiscation of the vehicle in favor of the State Government.

6. It is further submitted that revisionist would suffer great loss and financial injury if the vehicle is confiscated. The confiscation order is illegal and arbitrary. There is no material in support of the allegation that the progeny of cow were being transported by his vehicle for slaughtering. The confiscation order goes against right to property of its registered owner which is a constitutional right under Article 300-A and in view of confiscation order the revisionist is deprived of his right to occupation as the vehicle is the means of livelihood of its registered owner and his family. The arbitrary act of confiscation of property which he might be using for his trade, profession or occupation is a serious encroachment on the fundamental right of citizen under Article 19(1)(g) of Constitution of India.

7. Learned counsel for the revisionist has next submitted that the revisionist is the actual owner of the said vehicle and it is only his means of livelihood. The vehicle in question has to be released. Learned counsel for the revisionist has relied upon the law laid down the Hon'ble Supreme Court in **Sunderbhai Ambalal Desai Versus State of Gurajat, (2002) 10 SCC 283** and the order dated 05.12.2024 passed by the coordinate Bench of this court passed in Criminal Revision No. 6320 of 2024 (Sairunisha Versus State of U.P.). There is no useful purpose for keeping the vehicle. He has pointed out that revisionist is also released on anticipatory bail by this Court.

8. Learned A.G.A. for the State has submitted that the revisionist has committed the serious offence and this revision is liable to be dismissed.

9. The transportation of cow etc. is regulated by section 5A and section 5A(7) of the Cow Slaughter Act which confers powers upon the District Magistrate/Commissioner of Police to confiscate/seize the vehicle by which the beef or cow and its progeny is transported in violation of the provisions of this Act and the relevant rules. A perusal of the F.I.R. indicates that none of the cow were maimed nor physically injured. Further, the allegation that they were being transported from Chandauli route to Bihar for slaughtering requires no consideration as the condition precedent for the application of the section is that the cattle described in the Act should have been transported from any place in the State of U.P. to any place outside the State.

10. Even if the story of seizure of cattle is believed, then also six bulls and one cow of cow are said to have been seized within the local jurisdiction within the State of U.P. The fact remains that cattle were apprehended within the State of U.P. and, therefore, it cannot be maintained that they were transported to a place outside the State of U.P.

11. Admittedly, the criminal proceedings initiated in terms of said F.I.R. have not culminated so far, thus, the allegations in the F.I.R. are yet to be established. Commission of offence is one of the requisite ingredients for passing an order of confiscation and an order of confiscation should not be passed automatically. Thus, there is no material, as exists on record, to justify the exercise of powers under Sub Section 7 of Section 5A. The same is appeared to be contrary to the statutory mandate and powers conferred

upon the District Magistrate.

12. The confiscation by its very connotation implies depriving a person of his property to which he is entitled to retain. Article 300A of the Constitution of India provides that no person shall be deprived of his property save by authority of law. Arbitrary confiscation of the property which he might be using for his trade, profession or occupation is a serious encroachment on the fundamental right of a citizen under Article 19(1)(g) of the Constitution of India to carry on his trade, occupation or business. The procedure prescribed by law for confiscating the property, as contained in Section 5A(7) of the Cow Slaughter Act, empowers the District Magistrate/Commissioner of Police to confiscate/seize the vehicle only if the conditions so prescribed under Sub Section 7 of Section 5A are fulfilled.

13. The provisions of Section 5A manifest that no permit is required for transportation of progeny of cow within State of U.P. from one place to another, and there is no material in support of the allegation that the cattle were being transported from State of U.P. to Bihar in violation of relevant statutory provisions.

14. In view of the foregoing consideration, reasons, facts and circumstances, the impugned order dated 30.07.2025 passed by the District Magistrate, Ghazipur is set aside.

15. The District Magistrate is directed to pass an appropriate release order in regard to vehicle after taking a personal bond and surety in the like amount from the registered owner of the vehicle to his satisfaction with undertaking to produce the same before him or the court as and when required within one week on production of certified copy of this order.

16. The criminal revision succeeds and is **allowed**.

March 16, 2026

M. Tarik

(Abdul Shahid,J.)