

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.240

**CRR No.182 of 2019
DECIDED ON: March 18, 2019**

VARINDER SINGH SARA0

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. B.S. Jatana, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

An FIR No.206, dated 12.10.2018, was registered against accused Shingara Singh under Section 15/18/25 of NDPS Act, 1985 (for short 'the Act'), at Police Station Sadar Mansa, District Mansa. Allegedly, 1.5 Kg poppy husk and 45 grams of opium were recovered from him. The recovery was made after his truck was signalled to stop at a naka. On seeing the police, he had tried to ascape with a white coloured polythene bag from which the recovery was effected.

During the pendency of the trial, an application for release of the aforementioned truck on sapurdari was filed by the petitioner on the ground that he was the owner thereof and the same was required for use by him. It was averred that the same shall not be sold or disposed of in any

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manner nor will it be misused and produced the same in the Court as and when required by the trial Court. If the vehicle keeps lying in the police station, it will become defective. Reply was filed by the police, in which, the release of the truck on sapurdari was objected to. Vide order dated 03.01.2019, the Judge, Special Court, Mansa, rejected the application on the ground that the vehicle was liable to be confiscated under Section 60 of the Act and in case, it is released on sapurdari, it will cause prejudice to the case of the prosecution.

It may be noted that the ownership of the petitioner is not disputed. A Division Bench of this Court in ***Gurbinder Singh @ Shinder vs. State of Punjab, 2016(4) RCR (Criminal) 492*** has held that there is no provision under the Act which debars the interim release of a vehicle on sapurdari. Section 451 Cr.P.C. is not inconsistent with any provisions of the Act. A judgment of the Hon'ble Supreme Court has also been relied upon.

In view of the aforementioned exposition of law, the impugned order dated 03.01.2019 cannot stand judicial scrutiny. The same is accordingly set aside.

The revision petition is allowed and Tata Truck bearing No.PB-04-V-1642 is directed to be released on sapurdari in favour of registered owner, on fulfilling the necessary formalities to the satisfaction of the trial Court/Additional Sessions Judge concerned, at Mansa. The petitioner shall be bound to produce the said truck as and when required by the trial Court.

March 18, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No