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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.3948 of 2018 (O&M)
Date of decision: May 07, 2019

Rahul Kumar @ Rai

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.K. Singla, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present revision petition has been filed by the petitioner seeking setting aside of impugned order dated 17.11.2018 passed by the learned Judge, Special Court, Mansa, whereby, his application for release of offending vehicle, i.e. motorcycle bearing registration No.PB-08-CA-2689 on *sapurdari*, has been rejected.

Learned counsel for the petitioner contends that in view of the decision of the Division Bench of this Court in the case of **Gurbinder Singh @ Shinder** versus **State of Punjab**, 2016 (4) R.C.R. (Criminal) 492, there is no bar for release of the vehicle on *sapurdari* even in a conviction under Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act').

Learned State counsel does not dispute the legal proposition laid down in **Gurbinder Singh @ Shinder's case (supra)**, but he opposed the prayer of the petitioner on the ground that the vehicle has been used for commission of offence under Section 21 of the NDPS Act.

As per the decision in **Gurbinder Singh @ Shinder's case (supra)**, provisions of Section 451 of the Code of Criminal Procedure, 1973 are applicable to the vehicle seized under the NDPS Act as well. There is no dispute that petitioner is the registered owner of the vehicle, therefore, in view of judgment in **Gurbinder Singh @ Shinder's case (supra)**, the impugned order passed by the learned Judge, Special Court, Mansa is not legally sustainable.

In view of the above, no useful purpose would be served in keeping the vehicle in question in police custody. Consequently, the present revision petition is allowed, and the motorcycle bearing registration No.PB-08-CA-2689 is ordered to be released on *sapurdari* to the petitioner, to the satisfaction of the learned Judge, Special Court, Mansa. Learned Judge, Special Court, Mansa may impose necessary terms and conditions for the release of said vehicle on *sapurdari* as it may deem fit.

(MAHABIR SINGH SINDHU)
JUDGE

May 07, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**