

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

CRR-2019-2022

Reserved on: 19-12-2022

Pronounced on: 22-12-2022

Rajinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

ANOOP CHITKARA, J.

Aggrieved by dismissal of the application for release of the vehicle bearing No.PB-02-CC-9760, seized for transporting the prohibited substance under S. 18 of NDPS Act, the petitioner claiming to be the registered owner of the vehicle, has come up before this court, seeking its release.

2. In Sunderbhai Ambalal Desai v. State of Gujarat, (2002) 10 SCC 283, Hon'ble Supreme Court holds,

[17]. In our view, whatever be the situation, it is of no use to keep such 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.

[18]. In case where the vehicle is not claimed by the accused, owner, or the insurance company or by third person, then such vehicle may be ordered to be auctioned by the Court. If the said vehicle is insured with the insurance company then insurance company be informed by the Court to take possession of the vehicle which is not claimed by the owner or a third person. If Insurance company fails to take possession the vehicles may be sold as per the direction of the Court. The Court would pass such order within a period of six months from the date of production of the said vehicle before the Court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.

3. Given this, the impugned order dated 30.08.2022 passed by Additional Sessions Judge, Amritsar, whereby he had rejected the release of the vehicle because the NDPS Act creates a bar in the release of vehicles used in transporting drugs, is quashed and

set aside.

4. The petitioner has handed over copy of a registration certificate which shows him to be the registered owner. However, the spellings of the petitioner in the RC are 'Rajwinder' and not 'Rajinder'. The concerned court will release the seized vehicle to the registered owner after verifying the registration certificate qua ownership. The release shall be subject to the petitioner furnishing a bank guarantee to the extent of the vehicle's current market value as assessed by a valuer. The petitioner shall get the car's valuation done at his expense, and the concerned SHO shall permit the valuer to inspect the car without any delay or obstruction and shall behave with the valuer in a decent and respectfully manner. If the vehicle is found to be hypothecated, then information about its release also be sent to the concerned financial agency.

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

22.12.2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.