

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

CRM-M-30844 of 2021

Date of Decision: March 02, 2023

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ankush Rampal, Advocate for
Mr. Rahul Rampal, Advocate for
the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

During investigation of FIR No.168 dated 29.06.2018 registered under Sections 15/25/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Jagraon, District Ludhiana (Rural), truck No.PB-13-AA-9895 has been impounded as 51kg of poppy-husk was recovered therefrom.

Petitioner – Kuldeep Singh being the owner of the said truck applied for releasing the truck on superdari but his request was declined by learned Special Judge, Ludhiana vide order dated 20.07.2019 (Annexure P.2). Subsequent application was dismissed on 02.03.2021 (Annexure P.3).

It is stated by learned State Counsel that trial is still going on. Confiscation proceedings are yet to be initiated and the same will be initiated only if the conviction is recorded. No purpose shall be served by keeping the vehicle in the police station as its condition is likely to be deteriorated by keeping it there. There is no justification to deny the

release of the same on superdari to the petitioner. Accordingly, impugned orders are hereby set aside. Respondent is hereby directed to release the truck in question to the petitioner on furnishing superdari-nama with a surety to its satisfaction of SHO/I.O. concerned on usual terms and conditions.

Disposed of.

March 02, 2023
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(DEEPAK GUPTA)
JUDGE

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