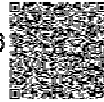


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRR No. 1697 of 2024 (O&M)**Date of decision: 15.10.2024****Arwinder Singh****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant revision petition has been filed by the petitioner against the order dated 16.07.2024, passed by learned Judge, Special Court, Bathinda in case arising out of FIR No.17 dated 02.05.2024, registered under Sections 21 and 25 of NDPS Act, at Police Station Nandgarh, Bathinda, whereby, an application moved by the petitioner for release of the vehicle bearing registration number HR-26-BX-2166 had been dismissed due to the reason that he was not the registered owner of the said vehicle.

2. Learned counsel for the petitioner has submitted that the petitioner was apprehended by a police party on 02.05.2024 while he was sitting in the aforesaid vehicle and recovery of 10 grams of heroin was effected from him. He was formally arrested at the spot and the aforesaid vehicle was taken into police possession. The petitioner had purchased the aforesaid vehicle from its registered owner on the basis of an affidavit. Since the alleged recovery of the contraband was of non-commercial quantity, the

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petitioner has since been released on regular bail. He has moved an application before the trial Court for release of his vehicle on *superdari* claiming that he was the owner of the same on the basis of an agreement/affidavit but the same has been dismissed by observing that he was not the registered owner of the said vehicle. Learned counsel for the petitioner further submits that the petitioner is an ostensible owner of the vehicle in question and since it is lying with police since 02.05.2024, its condition is deteriorating every passing day, besides it is getting rusty. Hence, it is urged that the petition deserves to be accepted, impugned order is liable to be set aside and the vehicle deserves to be released to the petitioner on *superdari*.

3. Learned State counsel, on the other hand, has opposed the prayer of the petitioner by arguing that there is no infirmity or illegality in the impugned order and the trial Court has rightly rejected the application of the petitioner seeking release of the aforesaid vehicle in his favour on *superdari* as he was not the registered owner of the same. Hence, the dismissal of the petition is prayed for.

4. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

5. As per the allegations, the petitioner was apprehended by the police party while he was sitting in the aforesaid vehicle, which was parked near village Nandgarh and recovery of 10 grams of heroin was effected from him. The vehicle was taken into police possession. The petitioner has been released on regular bail. He had moved an application before the trial Court for release of the vehicle on *superdari* but the same had been dismissed by

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observing that he was not the registered owner of the said vehicle. Admittedly, the petitioner is not the registered owner of the vehicle as he has purchased the same from its registered owner on the basis of an agreement. The vehicle is lying in the police station since 02.05.2024 and its condition is worsening due to its non-utilization. Therefore, considering the fact that a minor quantity of the contraband was recovered from the petitioner, the condition of the vehicle must be deteriorating and also in view of the fact that the registered owner of the vehicle has also not sought its release, it is found appropriate to release the same in favour of the petitioner on *superdari*.

6. Accordingly, the present petition is allowed and the impugned order is set aside. The vehicle bearing registration number HR-26-BX-2166 is ordered to be released on *superdari* in favour of the petitioner, on usual terms and conditions to be imposed by the trial Court. The vehicle shall not be released unless consent/no objection of the registered owner of the same is filed by way of an affidavit before the trial Court. The liberty is granted to the registered owner to approach this Court in the event of any dispute regarding ownership of the aforesaid vehicle.

15.10.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No