

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2017 of 2025

Arising Out of PS. Case No.-1012 Year-2024 Thana- MASAUDHI District- Patna

Vijay Shankar Kumar S/O Late Bindeshwari Singh @ Bineshwari Singh
Resident of Sampatchak Bazar, P.S. Gopalpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through D.G.P. Patna, Bihar Patna
2. Superintendent of Police, Rural, Patna Bihar
3. Dist. Magistrate, Patna Bihar
4. Deputy Superintendent of Police, Masaudhi, Patna Bihar
5. Station House Office of Masaudhi P.S., Patna Bihar
6. Investigation officer, P.S.I. Aryan Raj of Masaudhi, P.S.- 1012 of 2024 Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjit Prasad
For the Respondent/s : Mr.G.P. 2

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 27-11-2025

Heard learned counsel for the petitioner.

02. The present petition is filed seeking direction to the respondents to release the vehicle belonging to the petitioner having Registration No.-BR01HR3931, Chasis No. MALBK512LRM283912, Engine No. G4LFPV353477 which has been seized in connection with Masaudhi P.S. Case No. 1012 of 2024, Special NDPS Serial Case No. 208/2024 registered for the offences punishable under Section 8, 20(B)(II) (A) of the NDPS Act.

03. Learned counsel for the petitioner submits that the



petitioner is the registered owner of the aforesaid vehicle which has been seized when recovery of 163.35 gram Ganja was made from the dashboard of the said vehicle. Learned counsel further submits that the vehicle was seized on 13.11.2024. The vehicle has been kept in open and getting damaged day by day. It is a national loss.

04. Though the copy has been served on the office of learned Advocate General, no one appears on behalf of the State-respondents.

05. Having regard to the submission that a four wheeler vehicle of the petitioner was seized after recovery of 163.35 gram Ganja and no useful purpose would be served in keeping the vehicle seized which might be getting damaged everyday, this Court does not think the respondents needs to be heard in the present matter.

06. The Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat***, reported in ***(2002)10 SCC 283*** has observed the following:

“In our view, the powers under Section 451, Cr PC should be exercised expeditiously and judiciously. It would serve various purposes, namely:-

- 1. Owner of the article would not suffer because of its remaining unused or by its misappropriation;*
- 2. Court or the police would not be required to keep the article in safe custody;*



3. If the proper panchnama before handing over possession of article is prepared, that can be used in evidence instead of its production before the Court during the trial. If necessary, evidence could also be recorded describing the nature of the property in detail; and
4. This jurisdiction of the Court to record evidence should be exercised promptly so that there may not be further chance of tampering with the articles.”

07. The Hon'ble Supreme Court has deprecated the tendency of not releasing the vehicles and considered that leaving the vehicles to rot and become junk in the police stations results in wastage of resources and adds to national loss. Therefore subject to the conditions to be imposed by the learned trial court, the vehicle of the petitioner bearing Registration No. - BR01HR3931, Chasis No. MALBK512LRM283912, Engine No. G4LFPV353477 which has been seized in connection with Masaudhi P.S. Case No. 1012 of 2024 is directed to be released.

08. Accordingly, the present petition stands disposed of.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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