

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1063 of 2025

Arising Out of PS. Case No.-93 Year-2025 Thana- Excise P.S. District- Nawada

Gopal Kumar Singh S/O Krishna Singh Resident of Village- Awandhi, P.S-
Dawath, Dist.- Rohtas, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mr.Sumit Shekhar Pandey, Adv. Mr. Masoom Raza, Adv.
For the Respondent	:	Mr.Anant Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 04-12-2025

Heard learned counsel for the petitioner as well as
learned counsel for the State.

02. The instant revision petition has been filed against
the order dated 31.07.2025 whereby and whereunder the
application filed by the accused petitioner for release of his
Maruti Suzuki Dzire car bearing Registration No. BR 01JD
9123, Chasis No. MA3ZFDFSKRL108429 and Engine No.
Z12ENF008679 seized in connection with Spl. NDPS Case No.
12/2025, Nawada Excise P.S. Case No. 93 of 2025 registered for
the offences under Section 8 and 20(b)(ii)(a) of the NDPS Act
has been rejected by the learned Additional Sessions Judge-1st,
Nawada.

03. Learned counsel for the petitioner submits that the
impugned order has been passed without consideration of facts



and the law applicable. Petitioner is the registered owner of the vehicle seized in the case with allegation that recovery of 984 gram of *Ganja* was made from a bag kept in the car on which four co-accused persons have been travelling. The Court did not consider the fact that the petitioner was made accused in the case merely because of the fact that the petitioner is the registered owner of the vehicle from where recovery has been shown. Learned counsel further submits that the name of the petitioner was removed when the charge sheet has been submitted and learned trial court did not take cognizance against the petitioner. It was also not considered that the bag from which *Ganja* was recovered carried the clothes of co-accused Arjun Kumar Gond. The petitioner was neither having any knowledge nor was involved in any manner in the alleged recovery of the contraband. The car of the petitioner was seized on 13.02.2025 and since then it is getting damaged every day. The learned trial court did not consider the guidelines issued by the Hon'ble Supreme Court from time to time about release of vehicle considering the fact that leaving the vehicles to rot and become junk in the police stations results in wastage of resources and adds to national loss. Learned counsel reiterates that the car of the petitioner has been kept in open condition



when cognizance was not even taken against the petitioner. Learned counsel further submits that no confiscation proceeding has been started in the present case. Learned counsel thus submits that in these circumstances impugned order is completely illegal.

04. Perused the record.

05. From perusal of the record, it transpires that the petitioner was not sent up for facing trial and his vehicle has been seized as it was found that 984 gram of *Ganja* was being carried in one of the bags kept in the vehicle. The learned trial court has not furnished any reason for rejection of the application of the petitioner for releasing of the vehicle. Merely saying that 984 gram of *Ganja* was seized in the vehicle would not suffice for the purpose of not releasing the vehicle. 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.”

06. While dealing with the seized vehicles from time to time by the police either in commission of various offences or abandoned vehicles or vehicles which are recovered during investigation of complaint of thefts, the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai*** (supra) further observed as under:-

“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.

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.”

07. Considering the fact that the order impugned has been passed without consideration of fact or law, the said order dated 31.07.2025 cannot be sustained and hence the said order is set aside. Therefore, subject to the satisfaction and the conditions to be imposed by the learned trial court, the vehicle of the petitioner bearing Registration No. BR 01JD 9123 with Chasis No. MA3ZFDFSKRL108429 and Engine No. Z12ENF008679 seized in connection with Spl. NDPS Case No. 12/2025 arising out of Nawada Excise P.S. Case No. 93 of 2025 is directed to be released.

08. Accordingly, the present petition stands disposed of.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	NAFR
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