

GAHC020006642025



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : CRL.REVN/10/2025

MR. DAHRII POU
PERMANENT R/O SARANAMEI VILLAGE, SENAPATI DISTRICT, MANIPUR

VERSUS

STATE OF NAGALAND
NAGALAND KOHIMA

Advocate for the Petitioner : PAKINRICHAPBO, NAOMY SALE

Advocate for the Respondent : P.P, NAGALAND,

**BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

ORDER

Date : 24-11-2025

Heard the learned counsel for the petitioner Mr. Pakinrichapbo
as well as the learned P.P. Ms. Livika.

2. The present application has been filed under section 497 and 503 of the BNSS, 2023 read with section 438, 442 and 528 of the BNSS 2023 praying for release of the seized vehicle Maruti Gypsy bearing registration No.MN03P 8720 on Zimma pending disposal of

the Special Case No.17/25 arising out of Khuzama PS Case No.06/2025 under section 22(c) NDPS Act R/W section 3(5) BNS, 2023.

3. The learned counsel for the petitioner submits that on 25.06.2025 during checking at inter State check gate at Khuzama, the Police personnel on duty has arrested two persons in a village on alleged recovery of illegal drugs. Accordingly, the vehicle bearing registration No. MN03P 8720 was seized and kept in Khuzama Police Station in connection with Khuzama P.S Case No.06/2025 corresponding to Special Case No.17/25 under section 22(c) NDPS Act R/W section 3(5) BNS, 2023.

4. The learned counsel for the petitioner submits that the petitioner is the rightful owner of the seized vehicle as he had purchased the said vehicle for his personal use from his friend Mr. Kidu Lanah who is the registered owner. The petitioner states that he is innocent and has nothing to do with the aforementioned Special Case No.17/25 arising out of Khuzama PS Case No.06/2025. He also states that he executed a sale deed dated 27.05.2025 and the ownership of the vehicle as well as its physical possession was transferred to him. Thereafter, the registered owner has also declared on affidavit dated 23.09.2025 stating that he had sold the vehicle to the present petitioner vide sale deed dated 27.05.2025 and that he has no objection in regard to the present owner if he wishes to transfer the registration certificate into his name. However, before the petitioner could take steps to transfer the ownership of the vehicle in the registration certificate from the concerned DTO due to law and order situation in Manipur and shifting of the concerned DTO from Kangpokpi to Imphal, his vehicle

was seized in connection with the instant case. The petitioner submits that he has already filed zimma application before the Special Court and the same was dismissed by order dated 03.10.2025 on the ground that the certification of registration was not transferred in the name of the applicant except for sale deed entered into between the applicant and the owner of the vehicle which is not sufficient to claim ownership of the vehicle. Being aggrieved, the petitioner is before this Court praying for release of the seized vehicle bearing registration No. MN03P 8720.

5. The learned P.P. Ms. Livika has produced the status report from the O.C of Khuzama P.S dated 22.11.2025.

6. Upon going through the same, it is seen that the present petitioner had given his statement before the I.O who had verified the sale deed and found that he had bought the vehicle Maruti Gypsy bearing registration No.MN03P 8720 on 27.05.2025 for an amount of Rs.4.5 lakhs and the sale deed has been registered and authenticated by the oath Commissioner (Judicial) Senapati. Further, the I.O had also contacted the registered owner i.e Mr. Kidu Lanah who also confirmed that he was the registered owner and he had sold his vehicle to the present petitioner on execution of sale deed registered and authenticated by the oath Commissioner (Judicial) Senapati.

7. This Court is of the view that ownership of a vehicle can be established through a sale deed or through a payment receipt or through an affidavit by the seller and by physical possession prior to the seizure of the vehicle. The registration certificate is only one mode of proving the ownership. In the present case, the

petitioner/owner has already given his statement before the I.O and the original owner whose name is reflected in the registration has also given his statement before the I.O to the effect that he has already sold the vehicle to the present petitioner. The affidavit sworn by the original owner Kidu Lanah is also on record as Annexure -8 to the petition.

8. This Court is therefore of the view that the present petition can be allowed at this stage. Accordingly, the seized vehicle bearing registration No.MN03P 8720 is released to the petitioner on zimma pending disposal of the Special Case No.17/25 with the following terms and conditions:-

1. The petitioner shall execute zimma bond of Rs.40,000/- and thereafter the O.C of Khuzama P.S shall release the seized vehicle to the petitioner.
2. The petitioner shall not change the appearance or colour of the vehicle in any way and shall not dispose of the same during the pendency of the case.
3. The petitioner shall produce the vehicle before the I.O or the Court if directed to do so.

With the above observations, the petition is disposed of.

**Sd/-
JUDGE**

Comparing Assistant