



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 267 OF 2025

Lahu Sambhaji Alure,
Age : 41 years, Occu. : Business,
R/o. Wadwal (Nagnath),
Tq. Chakur, Dist. Latur.

... Applicant.

Versus

The State of Maharashtra,
Through Officer In-charge,
Police Station, Udgir (Rural),
Dist. Latur.

... Respondent

.....

Ms. Ashwini Patil h/f. Mr. S. J. Salunke, Advocate for Applicant.
Mr. N. D. Raje, APP for Respondent – State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 08 DECEMBER 2025

PRONOUNCED ON : 10 DECEMBER 2025

ORDER :

1. In this revision, prayers are raised for release of vehicle (Edible Oil Tanker) allegedly owned by revision petitioner, which came to be seized in Crime No. 0542 of 2024.

2. It is submitted that, applicant is registered owner of the vehicle bearing No. MH-46-AR-0659. Learned counsel pointed out that there are RC particular showing applicant is the owner of the vehicle.

That, in his absence, main accused nos.1 and 2, namely Amol Gore and a woman had used the vehicle and said vehicle allegedly found to be carrying/transporting ganja and the vehicle came to be intercepted and seized on 02.10.2024. Applicant was not present in the vehicle at that point of time. That, main accused Amol allegedly named applicant to be the owner and only on such information, applicant was arrested. He was also released on bail. That, all conditions imposed, are scrupulously adhered to. That, applicant was not aware of contraband being transported through his vehicle. That, in fact, the said vehicle is purchased by availing loan and business is being conducted. That, earning from transport business are used for repayment of loan. That, vehicle is standing idle and as its conditions is likely to be deteriorated on account of non use, she urges to release the vehicle on any conditions imposed by this court.

3. Learned APP strongly opposed on the ground that on 02.04.2024, tanker bearing no. MH-46-AR-0659 was found to be carrying 2.46 kilograms ganja worth Rs.51,150/-. That, vehicle was used for transporting the said ganja. That, there is again possibility of misuse of the vehicle for conducting said business. Learned APP seeks reliance on the case of *Denash v. State of Tamil Nadu* reported in **2025 SCC OnLine SC 2276**.

4. Heard. Perused the papers. It seems that, crime was registered by Udgir Rural Police Station, Dist. Latur, bearing Crime No. 0542 of 2024 for offence punishable under sections 8(c), 20(ii)(C) and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (NDPS Act) i.e. against one Amol Dnyanoba Gore and one lady named Vasantabai Narayan Jadhav. Apparently, as pointed, applicant is not named in the FIR. Statement is made across the bar that on information given by arrested accused Amol, applicant is involved subsequently and he is also arraigned as accused. Copy of order of bail granted by this court, bearing Bail Application No.1320 of 2025 shows that on 21.07.2025, applicant was released on bail in above crime. Vehicle in question is shown to be owned by present applicant. Further statement is made across the bar that said vehicle is purchased on loan and on the transport business earnings, loan is said to be repaid. The crime is of 2024. There does not seem to be any prospect of commencement of trial or its conclusion in immediate near future. No purpose would be served by keeping the vehicle idle.

5. Learned APP sought reliance on above case, but in that case, it is held that, in paragraph 33, the Hon'ble Apex Court has borrowed and quoted the observations of that court itself in the case of ***Bishwajit Dey v.***

The State of Assam, in Criminal Appeal No.87 of 2025; 2025 INSC 32, has held that, “*where the owner of the vehicle is the person from whom possession of contraband is recovered or where contraband is recovered from the possession of the agent of the owner i.e. like driver or cleaner hired by the owner, the vehicle may not be released on superdari till reverse burden of proof is discharged by accused - owner.*” Here, prima facie, there is nothing to indicate that Amol was in permanent employment in the capacity of driver, agent or cleaner. No purpose would be served by keeping the vehicle idle, more particularly when earnings from transport business, are said to be applied for repayment of loan. Consequently, application deserves to be allowed.

6. Considering the facts and circumstances of the case, the instant revision is allowed and the order dated 15.05.2025 passed by the learned trial court is hereby set-aside.

7. Accordingly, the vehicle described above shall be released in favour of the applicant/registered owner, subject to the following conditions :

- (i) The applicant shall produce valid proof of ownership of the vehicle.

- (ii) The applicant shall furnish an indemnity bond to the extent of cost of the vehicle.
 - (iii) The applicant shall not alter, transfer, part with possession of, or create any third-party interest in the vehicle until the conclusion of the trial.
 - (iv) The applicant shall produce the vehicle before the Court or Investigating Officer as and when required.
 - (v) The Investigating Officer shall prepare a detailed panchanama / photographs of the vehicle before release.
8. Upon compliance with the above conditions, the Udgir Rural Police Station is directed to release the vehicle to the applicant without delay.
9. The Revision stands disposed off in aforesaid terms.

(ABHAY S. WAGHWASE, J.)