

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

121

CRR-570-2025

Date of decision: 20th March, 2025

Manisha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

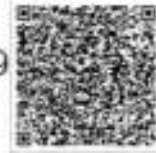
Present: Mr. Raman Chawla, Advocate for the petitioner.

Mr. Arun Kumar Singla, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

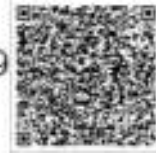
The instant revision petition has been filed by the petitioner against the order dated 15.01.2025 passed by learned Additional Sessions Judge, Hisar in case arising out of FIR No. 376 dated 22.10.2024 registered under Sections 21(b)(ii)(C) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') at Police Station Sadar Hansi, whereby an application moved by the petitioner for release of the vehicle bearing registration No. HR-86B-5702 on *superdari*, had been dismissed.

2. The aforementioned FIR had been registered on the allegations that on 22.10.2024, one Ram Mehar, was apprehended while riding on a motor bike bearing registration number HR-86B-5702 make Hero Splendor Plus and on conducting search 01 kg and 50 grams of *charas* was recovered from the same. The petitioner is the registered owner of the aforesaid vehicle.



3. Learned counsel for the petitioner has submitted that the impugned order is liable to be set aside as the same had been passed by the learned Additional Sessions Judge without applying his judicious mind. Merely because the recovery had been effected from the said vehicle would not be a reason enough to deny the claim of the petitioner, she being the registered owner of the vehicle bearing registration No. HR-86B-5702. The aforesaid vehicle was taken into possession by the police for more than five months as case property. The petitioner had moved an application before the learned trial Court for release of her vehicle on *superdari* claiming that she was the owner of the same but the same had been dismissed. Learned counsel for the petitioner has further submitted that since the vehicle is lying with police for more than five months, 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*. To fortify his arguments, learned counsel for the petitioner has placed reliance upon the judgment of Supreme Court in ***Bishwajit Dey Vs. The State of Assam*** 2025(1) RCR (Criminal) 486, ***Gurbinder Singh @ Shinder Vs. State of Punjab***, 2016(4) RCR (Crl.) 492 and ***Sunderbhai Ambala Desai Vs. State of Gujarat*** (2002) 10 SCC 283.

4. On the other hand, learned State counsel has opposed the prayer of the petitioner by arguing that there is no infirmity or illegality in the impugned order and the learned trial Court has rightly rejected the application of the petitioner seeking release of the aforesaid vehicle in her favour as the vehicle in question had been used in the trafficking of



narcotics. Therefore, it was not liable to be released to the petitioner on *superdari* even though she was the registered owner of the vehicle.

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

6. Undisputedly, the trial is pending. The question of confiscation of the vehicle will be considered at the end of the trial. The vehicle is standing in the police station and would be damaged if it is allowed to remain in the police station. The petitioner is the registered owner of the vehicle. Keeping in view the discussion as made above, the present petition is allowed and the impugned order dated 15.01.2025 is set aside. The vehicle bearing registration No. HR-86B-5702 is ordered to be released on *superdari* in favour of the petitioner, on usual terms and conditions to be imposed by the trial Court.

[MANISHA BATRA]
JUDGE

20th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*