Neutral Citation No. (2026:JHHC:28500)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Rev. No. 686 of 2026

Anjali Devi, w/o Anurudh Saw, resident of Sonatand, PO: Siwandih, PS: Bokaro Steel City, Dist: Bokaro. ... Petitioner

Versus

1. The State of Jharkhand
2. The Officer Incharge, Baludih Police Station, Bokaro, PO: Bokaro, Dist: Bokaro. … Opposite Parties

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CORAM: **HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY**

For the Petitioner : Mr. Anil Kumar, Sr. Advocate
For the State : Spl.P.P.

03/21.09.2026

Heard Mr. Anil Kumar, learned senior counsel for the petitioner and learned Spl.P.P.

This application is directed against the order dated 19.01.2026, passed in Crl. Misc. Application No. 1003/2025, arising out of NDPS Case No. 09/2025 by the learned Sessions Judge, Bokaro, whereby and whereunder, the application preferred by the petitioner for release of the vehicle bearing registration no. JH 09 BA 0801 has been rejected.

It has been alleged that some accused persons were apprehended by the police and on search, ganja was recovered from their possession as well as from a vehicle. On the disclosure made by one of the apprehended accused namely Md. Faiz Akram @ Boby that he used to purchase ganja from Anirudh Sah @ Hit Sah, the husband of the petitioner, a raid was conducted in the house of Anirudh Sah @ Hit Sah from where 10.499 Kg. of ganja was recovered. At the instance of the said accused, a search was conducted in the Hyundai Venue vehicle bearing registration no. JH 09 BA 0801 and 400 grams of ganja was recovered from the said vehicle.

It has been submitted by Mr. Anil Kumar, learned senior counsel for the petitioner that the petitioner is the registered owner of the Hyundai Venue vehicle bearing registration no. JH 09 BA 0801. It has been submitted that the petitioner has not been made an accused in the case and in fact, since the husband of the petitioner was made an accused and at his behest 400 grams of ganja was recovered from the vehicle in question, the application preferred by the petitioner for release of the vehicle has been rejected. It has been submitted that the case of the petitioner squarely falls within the four corners of the

judgment rendered in the case of "*Bishwajit Dey versus The State of Assam*" reported in *(2025) 3 SCC 241*.

Learned Spl.P.P. has opposed the prayer made in this application.

In "*Bishwajit Dey versus The State of Assam*" the various scenarios with respect to release/ non-release of the vehicle transporting contraband has been enunciated and the same reads as under:

> "**33**. *Though seizure of drugs/substances from conveyances can take place in a number of situations, yet broadly speaking there are four scenarios in which the drug or substance is seized from a conveyance. Firstly, where the owner of the vehicle is the person from whom the possession of contraband drugs/substance is recovered. Secondly, where the contraband is recovered from the possession of the agent of the owner i.e. like driver or cleaner hired by the owner. Thirdly, where the vehicle has been stolen by the accused and contraband is recovered from such stolen vehicle. Fourthly, where the contraband is seized/recovered from a third-party occupant (with or without consideration) of the vehicle without any allegation by the police that the contraband was stored and transported in the vehicle with the owner's knowledge and connivance. In the first two scenarios, the owner of the vehicle and/or his agent would necessarily be arrayed as an accused. In the third and fourth scenario, the owner of the vehicle and/or his agent would not be arrayed as an accused.*
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> **34.** *This Court is of the view that criminal law has not to be applied in a vacuum but to the facts of each case. Consequently, it is only in the first two scenarios that the vehicle may not be released on superdari till reverse burden of proof is discharged by the accused owner. However, in the third and fourth scenarios, where no allegation has been made in the charge-sheet against the owner and/or his agent, the vehicle should normally be released in the interim on superdari subject to the owner furnishing a bond that he would produce the vehicle as and when directed by the Court and/or he would pay the value of the vehicle as determined by the Court on the date of the release, if the Court is finally of the opinion that the vehicle needs to be confiscated."*

The case of the present petitioner would come under the fourth scenario wherein the ganja was recovered from a third-party occupant of the vehicle without any allegation that the contraband was stored and transported in the vehicle with the owner's knowledge and connivance. In fact, as it has been noted-above, the petitioner has not been made an accused and at the behest of the husband of the petitioner, 400 grams of ganja was recovered from the vehicle in question. In a similar circumstance, in the case of "Sahdev Yadav versus The State of Jharkhand" in Cr. Revision No. 223 of 2026, this Court has held as follows:

> "*The case of the present petitioner would come under the fourth scenario where the contraband is seized/ recovered from a third-party occupant of the vehicle without any allegation by the Police that the*

contraband was stored and transported in the vehicle with the owner's knowledge and connivance. This is on account of the fact that it was recovered from the third-party occupant who happens to be the son of the petitioner and there was no knowledge of the owner with respect to the storage of a contraband which is substantiated by the final form submitted in favour of the petitioner. The same would, therefore, entitle the petitioner for release of the vehicle of which he is the registered owner."

The learned trial Court has not considered the aforesaid aspects while rejecting the application for release of the vehicle and consequently, the impugned order dated 19.01.2026, passed in Crl. Misc. Application No. 1003/2025, arising out of NDPS Case No. 09/2025 by the learned Sessions Judge, Bokaro is hereby quashed and set aside with a direction to the learned trial Court to release the vehicle in favour of the petitioner on sufficient proof produced by the petitioner with respect to her ownership of the Hyundai Venue vehicle bearing registration no. JH 09 BA 0801 and on the terms and condition, the learned trial Court may impose.

This application stands disposed of.

(RONGON MUKHOPADHYAY, J.)

21.09.2026
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