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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-19936-2024 (O&M)

Date of decision: 08.05.2026

Nirmal Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Naresh Jain, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner seeking quashing of order dated 13.02.2024 (Annexure P-1), passed by the Court of learned Additional Sessions Judge, Hoshiarpur in case arising out of FIR No. 32 dated 09.03.2022, registered under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Hoshiarpur, District Hoshiarpur, whereby an application filed by the petitioner, who is special power of attorney holder of Ram Raj, seeking release of vehicle make Verna bearing registration number RJ-08-CC-0013, has been dismissed.

2. Learned counsel for the petitioner has argued that the impugned order is not sustainable in the eyes of law as the same is contrary to the settled principles governing release of seized vehicles during pendency of trial. It is argued that the petitioner is not an accused in the aforementioned FIR and is only the special power of attorney holder of the registered owner of

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the vehicle, who is Ram Raj and has been duly authorize to get the vehicle released on *sapurdari* on his behalf, vide Annexure P-6. The said vehicle has been lying parked in the police station and if retained for an indefinite period, the same would deteriorate and become junk, thereby causing irreparable loss to the owner. Learned counsel further submits that the son of the petitioner, namely Harnoor Singh, has also been falsely implicated in the present FIR. The investigation in the present case already stands completed and challan under Section 173 of Cr.P.C. has been presented. Therefore, continued retention of the vehicle serves no useful purpose. Learned counsel has relied upon the judgment of the Hon'ble Supreme Court in ***Sunderbhai Ambalal Desai v. State of Gujarat, 2003 (1) RCR (Criminal) 380*** to submit that seized vehicles should not be allowed to remain stationed in police premises for long durations and should ordinarily be released on *sapurdari* subject to appropriate terms and conditions. It is also submitted that the petitioner is ready and willing to furnish adequate surety and undertakes not to alienate, transfer or alter the vehicle in any manner and to produce the same before the trial Court as and when directed. Hence, it is prayed that the impugned order dated 13.02.2024 be set aside and the vehicle in question be ordered to be released on *sapurdari* in favour of the petitioner.

3. Reply has been filed by the respondent-State. Learned State counsel has argued that commercial quantity of opium was recovered from the vehicle in question and the same is liable to confiscation under the provisions of the NDPS Act. It is further submitted that the registered owner of the vehicle has also been nominated as an accused. Therefore, the learned trial Court has rightly declined the prayer for release of the vehicle on Learned

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State counsel opposes the petition and submits that commercial quantity of opium was recovered from the vehicle in question and the same is liable to confiscation under the provisions of the NDPS Act. It is further submitted that the registered owner of the vehicle has also been nominated as an accused and is yet to be arrested. Therefore, the learned trial Court has rightly declined the prayer for release of the vehicle on *superdari*. Hence, it is urged that the petition is liable to be dismissed.

4. This Court has heard the rival submissions.

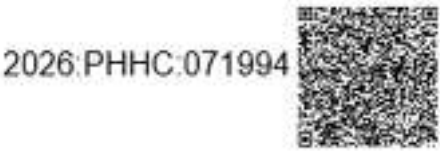
5. A perusal of the impugned order reveals that the learned trial Court declined release of the vehicle primarily on two considerations; firstly, that recovery of 10 kilograms of opium, which falls within the category of commercial quantity and secondly that the registered owner of the vehicle had also been nominated as an accused and his arrest was still pending. However, this Court is of the considered opinion that the aforesaid factors, by themselves, could not have constituted sufficient grounds to indefinitely retain the vehicle in police custody during pendency of the trial. It is not disputed that the investigation in the present case already stands completed and the final report under Section 173 of Cr.P.C. has been presented before the competent Court. Thus, the continued retention of the vehicle is no longer necessary for the purpose of investigation. Merely because the vehicle may ultimately become subject matter of confiscation proceedings under the NDPS Act cannot be a ground to deny interim custody thereof for an indefinite period, particularly when confiscation is yet to be adjudicated upon in accordance with law. The apprehension recorded by the learned trial Court that the vehicle may again be used for similar activities is also based purely on

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presumption and cannot override the settled principles governing release of seized property on *sapuradari*. The Hon'ble Supreme Court in ***Sunderbhai Ambalal Desai***'s case (*supra*) has categorically held that seized vehicles should not be allowed to remain parked in police stations for long periods as the same results in deterioration and loss of value of the property. The object of the Court should be to ensure proper preservation of the property while at the same time safeguarding the interests of the prosecution by imposing suitable conditions.

6. In the present case, the vehicle has remained parked in the police station since March, 2022. Keeping the vehicle stationed in open premises for such a prolonged duration would naturally expose it to deterioration due to passage of time and environmental conditions, thereby substantially diminishing its utility and value. The purpose of seizure is not punitive destruction of property before conclusion of trial. This Court also finds merit in the submission raised on behalf of the petitioner that he has approached the Court as special power of attorney holder of the registered owner and has expressed willingness to furnish adequate security and to abide by all conditions imposed by the Court, including production of the vehicle as and when required. The interest of the prosecution can sufficiently be safeguarded by imposing stringent conditions restraining transfer, alienation or alteration of the vehicle during pendency of the proceedings. Consequently, this Court is of the view that the learned trial Court failed to properly appreciate the settled legal position while dismissing the application for release of the vehicle on *sapurdari* and the impugned order, therefore, cannot be sustained.



7. Accordingly, the present petition is allowed. The impugned order dated 13.02.2024 passed by the learned Additional Sessions Judge, Hoshiarpur is set aside. The vehicle make Verna bearing registration No. RJ-08-CC-0013 is ordered to be released on *sapurdari* to the petitioner, being special power of attorney holder of the registered owner, subject to satisfaction of the learned trial Court/Duty Magistrate concerned and subject to the following conditions:-

- (i) the petitioner shall furnish adequate *sapurdari* bonds/surety bonds to the satisfaction of the concerned Court;
- (ii) the petitioner shall not alienate, transfer, create third party interest or alter the identity of the vehicle in any manner during pendency of the trial/confiscation proceedings;
- (iii) the petitioner shall produce the vehicle before the trial Court or confiscating authority as and when directed;
- (iv) before release of the vehicle, the Investigating Agency shall prepare detailed inventory thereof and shall also take photographs of the vehicle from all angles. If required, videography may also be conducted.

8. Disposed of accordingly.

08.05.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>