



236

**THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.33722 of 2024
Date of Decision: 13.02.2026**

Vishal @ Vishu

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ishan Gupta, Advocate and
Ms. Vrinda Katoch, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for setting aside/quashing of impugned order dated 21.05.2024 passed by the learned Judge, Special Court, Sangrur in case CRM-135-2024 arising out of FIR No.54, dated 16.04.2018, registered at Police Station Sadar Dhuri, under Sections 21, 22, 29 of NDPS Act, whereby the application filed by the petitioner seeking direction to SHO of concerned police station to release the currency notes of sum of Rs.17 lakhs was dismissed. Further prayer has been made for directing the respondent/SHO of police station concerned for releasing the amount of Rs.17 lakhs to the petitioner.



2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in case bearing FIR No.54, dated 16.04.2018, under Sections 21, 22, 29 of NDPS Act, registered at Police Station Sadar Dhuri. He has submitted that the petitioner was prosecuted on the allegation of recovery for the offences under the provisions of NDPS Act and the Excise Act. He has submitted that the amount of Rs.17 lakhs was also recovered, which was taken to be the drug money, however, on conclusion of the trial, the charges against the petitioner were not substantiated and thus, the petitioner has been acquitted by the learned trial Court vide order dated 04.10.2023. He has submitted that after his acquittal, the State never preferred any appeal against the acquittal order of the petitioner dated 04.10.2023. He has submitted that the petitioner filed an application for the release of the amount of Rs.17 lakhs, which was confiscated on the allegation that the recovered amount was drug money, however the learned Judge, Special Court, Sangrur has observed that the learned trial Court in its order dated 04.10.2023 had specifically given the findings in para No.53 that the prosecution has failed to prove that the amount of Rs.17 lakhs recovered was the drug money and the same be released as per rules after the period of expiry of appeal or revision, if any, and thus, dismissed the application filed by the petitioner vide order dated 21.05.2024.

3. Learned counsel for the petitioner has further contended that the petitioner was acquitted of the charges under the NDPS Act, however, he was convicted under the Excise Act and sentenced to undergo rigorous imprisonment of 02 years and the appeal has been



preferred against the same by the petitioner, which is pending adjudication.

4. Heard.

5. This Court finds that the specific finding has been given by the learned trial Court that the money recovered was not the drug money.

6. Admittedly, there is no appeal filed by the State against the acquittal order of the petitioner dated 04.10.2023 and thus, this Court finds that the impugned order dated 21.05.2024, being unsustainable in the eyes of law, deserves to be quashed.

7. Hence, the present petition is disposed of. The learned trial Court concerned is directed to release the amount of Rs.17 lakhs to the petitioner to its satisfaction, in accordance with law.

13.02.2026

rittu

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

(RAJESH BHARDWAJ)

JUDGE