

2026:PHHC:079258



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRR-2307-2024 (O&M)

Lucky
State of Punjab
versus
....Petitioner
....Respondent

Date of decision: May 20, 2026
Date of Uploading: May 21, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Harjot Singh Bedi, Advocate and
Mr. Jatinder Singh, Advocate for the petitioner.
Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (ORAL)

By way of present revision petition, the petitioner has sought setting aside of the impugned order dated 24.10.2024 passed by learned Judge, Special Court, Ludhiana and has prayed for allowing the application for release of vehicle in question on *superdari*, in case FIR No.101 dated 23.05.2024, registered under Section 15 of the NDPS Act, 1985, at Police Station Sadar Khanna.

2. Briefly, the facts of the present case are that 1 quintal and 50 kg of poppy husk was allegedly recovered from a truck bearing registration No.RJ-09-GD-0744 and co-accused, namely, Lovedeep Singh @ Jimmy and Surinder Malik @ Kala were apprehended. On the basis of disclosure statement of co-accused, the petitioner was nominated in this case. Thereafter, during the trial, the petitioner moved an application

before learned Judge, Special Court, Ludhiana for releasing his vehicle, i.e., Swift Dzire Car bearing registration No.PB-29X-6498 and Drug money for sum of Rs.40,000/- on *superdari*. However, the same was declined vide impugned order dated 24.10.2024 which necessitated the petitioner to approach this Court by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the truck in question from which the alleged contraband was recovered has already been released on *superdari* to the co-accused, vide order dated 11.07.2024 (Annexure P-3) passed by learned Judge, Special Court, Ludhiana. Learned counsel has submitted that the petitioner is the registered owner of the car in question, i.e., Swift Dzire bearing registration No.PB-29-X-6498. Learned counsel has further iterated that his application seeking release of said vehicle in question has been wrongly dismissed by the Court below, vide the impugned order. He has placed reliance on the judgments in **Bishwajit Dey vs. The State of Assam**, in **Criminal Appeal No.87 of 2025**, decided on **07.01.2025**, **Rabindra Kumar Behera vs. State of Odisha**, in **CRLREV No.503 of 2022**, decided on **15.01.2025** and **Sanju vs. The State of Haryana**, in **CRM-M-14356-2022** decided on **02.08.2022** and **Sunderbhai Ambalal Desai vs State of Gujarat**, 2003(1) RCR (Criminal) 380 and has submitted that in the overall facts and circumstances of the present case, the impugned order deserves to be set aside and vehicle in question be released on *superdari* to the petitioner.

4. Learned State counsel has opposed the petition in hand by arguing that there are serious allegations against the petitioner. Huge quantity of contraband was recovered in this case, and the petitioner was

implicated on the basis of disclosure statement of the co-accused, whereinafter, he was apprehended along with other co-accused in the vehicle, i.e., Swift Dzire bearing registration No.PB-29-X-6498. Learned State counsel has further submitted that since the attachment proceedings were pending against the property sought to be released on *superdari*, the learned Sessions Court has rightly dismissed the application filed by the petitioner. Accordingly, dismissal of the present revision petition has been prayed for.

5. I have heard learned counsel for the rival parties and perused of the record.

6. The term 'Sapurdari', more commonly known as 'Superdari' refers to a judicial mechanism within the Indian criminal justice system that facilitates the interim release of property seized by investigating agency during an investigation or inquiry, delivering its temporary custody to the rightful owner or claimant pending the final adjudication of criminal proceedings. This procedure is of greater practical import as it aims at safeguarding the utilitarian value of the seized chattel (e.g., vehicle, machinery, documents, etc.) and prevents their deterioration while lying dormant in police custody (Malkhana) until the proceedings conclude.

7. From the perusal of the record, it is apparent that the dispute involved in the present case pertains to release of car in question, i.e., Swift Dzire bearing registration No.PB-29-X-6498 on *superdari*. The petitioner claims to be the registered owner of the aforesaid vehicle and the same is stated to be lying in police custody since the date of its seizure. It also emerges from the record that the continued retention of the

vehicle in the custody of the police authorities does not appear to be necessary for the purposes of investigation or trial, particularly when the identity and ownership of the vehicle are not in dispute and the same can be adequately secured by imposing appropriate terms and conditions. It is a matter of common experience that vehicles kept stationed in open premises of police stations for prolonged periods are exposed to natural wear and tear and, with the passage of time, their condition deteriorates substantially, thereby diminishing their roadworthiness and value.

8. The Hon'ble Supreme Court time and again has held that there is no specific bar under the provisions of the NDPS Act for return of any seized vehicle used for transporting narcotic drug or psychotropic substance in the interim pending disposal of the criminal case. Dealing with the same issue, Hon'ble Supreme Court in **Bishwajit Dey's** case (supra) has held as under:

*“19. Having heard learned counsel for the parties and having examined the issue at hand, this Court finds that different Courts have taken divergent views with regard to interim release of conveyances during the pendency of the trial in NDPS cases. While the courts in cases referred to by learned counsel for the Respondent-State of Assam have not released the vehicles in the interim during NDPS trial, yet in **General Insurance Council & Ors. vs. State of Andhra Pradesh, (2010) 6 SCC 768; Gurbinder Singh @ Shinder vs. State of Punjab, 2016 SCC OnLine P&H 16026; Tej Singh vs. State of Haryana, 2020 SCC OnLine P&H 4679; Shams Tavrej vs. Union of India, 2023 SCC OnLine All 1154; Manakram vs. State of Madhya Pradesh, CrI. Rev. 2421/2021; Nirmal Singh vs. State of Punjab, CRR- 1208-2018 (O&M); Kawal Jeet Kaur vs. State of Karnataka, 2024:KHC- K:5691 and Bhagirath vs. State of Rajasthan, 2024: RJ-JD:36868, the Courts have directed release of the vehicles in the interim in NDPS cases.***

20. The judgements of this Court are confined to their facts or in the context of the expression ‘owner’ and do not lay down any general proposition of law. Consequently, the issue would have to be examined on first principles.

21. Upon a reading of the NDPS Act, this Court is of the view that the seized vehicles can be confiscated by the trial court only on conclusion of the trial when the accused is convicted or acquitted or discharged. Further, even where the Court is of the view that the vehicle is liable for confiscation, it must give an opportunity of hearing to the person who may claim any right to the seized vehicle before passing an order of confiscation. However, the seized vehicle is not liable to confiscation if the owner of the seized vehicle can prove that

the vehicle was used by the accused person without the owner's knowledge or connivance and that he had taken all reasonable precautions against such use of the seized vehicle by the accused person.

22. This Court is further of the opinion that there is no specific bar/restriction under the provisions of the NDPS Act for return of any seized vehicle used for transporting narcotic drug or psychotropic substance in the interim pending disposal of the criminal case.

23. In the absence of any specific bar under the NDPS Act and in view of Section 51 of NDPS Act, the Court can invoke the general power under Sections 451 and 457 of the Cr.P.C. for return of the seized vehicle pending final decision of the criminal case. Consequently, the trial Court has the discretion to release the vehicle in the interim. However, this power would have to be exercised in accordance with law in the facts and circumstances of each case."

9. In **Sunderbhai Ambalal Desai's** case (supra), the Hon'ble Supreme Court emphasized that vehicles and other seized property should not be kept in police custody for long periods. The relevant observations are as follows:

"It is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time."

10. Accordingly, the revision petition is **allowed** and the impugned order is set aside. It is directed that vehicle, i.e., Swift Dzire Car bearing registration No.PB-29X-6498 be released to the petitioner on *superdari* to the satisfaction of the concerned trial Court, which will be free to impose any condition(s) as it deems fit, on the petitioner, at the time of release of aforesaid property on *superdari* in his favour.

11. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

May 20, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No