SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2224/2026 Vikas Yadav And Anr --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. T.A. Khan, Senior Advocate, assisted by Ms. Sheeba Ahmed, Advocate, holding brief of Mohd. Shafy, Advocate for the applicants. Mr. N.S. Kanyal and Mr. Dinesh Kumar Chauhan, A.G.A. for the State of Uttarakhand. 2. This Criminal Misc. Application has been filed by the applicants challenging the order dated 18.10.2025 passed by learned Additional Chief Judicial Magistrate, Kashipur in Criminal Application No.424 of 2025. Applicants have also challenged the judgment & order dated 17.09.2026 passed by learned Ist Additional Sessions Judge, Kashipur, District Udham Singh Nagar in Criminal Revision No.99 of 2025. 3. Facts of the case, in brief, are that the applicants are engaged in the business of selling firecrackers during the Deepawali festival. According to the applicants, they had procured firecrackers for the purpose of carrying on their business during the festival season and had stored the same in a storehouse. On 16.10.2025, the police personnel of Police Station Kotwali, District Udham Singh Nagar, seized the firecrackers from the said godown and arrested the applicants. After their release, the applicants moved an application before the learned Additional Chief Judicial Magistrate, Kashipur seeking release of the seized firecrackers. However, the said application was rejected vide order dated 18.10.2025. Aggrieved thereby, the applicants preferred Criminal Revision No. 99 of 2025, which was dismissed by learned Ist Additional Sessions Judge, Kashipur, District Udham Singh Nagar, vide judgment and order dated 17.09.2026. Hence, the present criminal miscellaneous application.

			4. Learned Senior Counsel for the applicants submits that the applicants had been granted permission to sell firecrackers for the period from 18.10.2025 to 20.10.2025. In anticipation of the said permission and for the purpose of conducting their business during the Deepawali festival, the applicants had procured the firecrackers and kept them in a storehouse. 5. Learned Senior Counsel further submits that the firecrackers were seized by the police on 16.10.2025, i.e., two days prior to the commencement of the permitted period of sale. It is contended that the applicants were not selling firecrackers from their residential premises, nor is it the case of the prosecution that they had commenced selling the same before the permission became operative. The firecrackers had merely been stored in the storehouse in preparation for the ensuing festival season. 6. Learned Senior Counsel for the applicants further contends that the firecrackers are seasonal goods, the commercial utility of which is substantially dependent upon the Deepawali festival. Their continued retention in police custody, particularly after the expiry of the permitted period of sale, would render them commercially worthless and cause substantial financial loss and hardship to the applicants. It is, therefore, submitted that the impugned orders are liable to be set aside and the seized firecrackers be directed to be released in favour of the applicants. 7. Learned State Counsel has handed over written instructions, which are taken on record. 8. Heard learned Senior Counsel for the applicants and learned State Counsel, and perused the material available on record. Upon consideration of the submissions advanced by learned Senior Counsel for the applicants and the material available on record, this Court finds that the applicants had been granted permission to sell firecrackers for the period from 18.10.2025 to 20.10.2025, whereas the seizure in question was effected on 16.10.2025, before the commencement of the permitted period. The case put forth by the applicants is that the firecrackers had been procured for the ensuing festival season and were kept in a storehouse, and not that they had commenced selling the same from their residential premises in violation of the permission granted to them. 9. It is also relevant to note that the inventory of the seized firecrackers has already been prepared, a fact which is not disputed by the applicants. Thus,

			the identity, description and quantity of the seized articles can be ascertained from the inventory already prepared. In these circumstances, continued retention of the firecrackers in police custody would not serve any useful purpose. 10. This Court is conscious of the fact that the regulatory requirements governing the storage, possession and sale of firecrackers are intended to ensure public safety and must be strictly complied with. However, the mere seizure of the firecrackers, in the facts and circumstances of the present case, cannot by itself justify their indefinite retention, particularly when the applicants assert that they had obtained permission for their sale and the goods were stored in anticipation of the permitted period. Furthermore, firecrackers are seasonal goods whose commercial value is closely linked to the festival for which they are procured. Their continued retention, without a demonstrated necessity for such retention, is likely to cause substantial and potentially irreversible financial loss to the applicants. The fact that an inventory has already been prepared also provides a means of preserving a record of the seized articles, subject to any further lawful requirement. 11. Accordingly, the criminal miscellaneous application is allowed and the impugned orders dated 18.10.2025 and 17.09.2026, are hereby quashed. Respondent no.2 is directed to release the firecrackers seized on 16.10.2025 in favour of the applicants forthwith. **(Alok Mahra, J.)** 28.10.2026 *Arpan* ARPAN JAISWAL Digitally signed by ARPAN JAISWAL DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=eabb68a3895e41937c266c23964c0485365445e3a20ddc8b739339895fe4d0ac3a, postalCode=263001, st=UTTARAKHAND, serialNumber=D6EFC170228EAE3DE215D68D9D454C5109C898744631514EDF04AADAA2C2CEA66, cn=ARPAN JAISWAL Date: 2026.10.28 19:25:24 +05'30'