SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2429/2026 Naushad Ali --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Pragya Prakash Upadhyay, learned counsel for the applicant. Mr. Deepak Bisht, learned Deputy Advocate General for the State of Uttarakhand. 2. By means of the instant Criminal Miscellaneous Application, the applicant seeks quashing of the order dated 27.08.2026 passed by the learned Sessions Judge (N.D.P.S. Act), Dehradun, in Vehicle Release Application No. 481 of 2026 (Naushad Ali Vs. State), arising out of FIR No. 38 of 2026, P.S. Clement Town, District Dehradun, under Sections 8, 22, 29 and 60 of the NDPS Act. Further relief is sought by directing the respondents to release the seized vehicle, being an E-Rickshaw (Hotage India, Model Badshah), bearing Registration No. UK07ER3701, HCIM11221, in favour of the applicant. 3. The applicant was arrested in connection with the recovery of 47.2 grams of Tramadol. In addition to the alleged contraband, the aforesaid E-Rickshaw was also seized. It is contended that the applicant moved an application seeking release of the said vehicle. The learned trial Court, vide order dated 27.08.2026, rejected the prayer for release of the aforesaid vehicle. Aggrieved thereby, the present application has been preferred. 4. Learned counsel for the applicant submits that, as per the prosecution case, the E-Rickshaw in question was allegedly used for transportation of contraband; however, no cogent material has been

			placed on record to substantiate such allegation. There is no *prima facie* material to establish that the aforesaid vehicle was used for illegal transportation of narcotic substances. It is further argued that the applicant has been granted bail by the Co-ordinate Bench of this Court on 11.08.2026 and that the aforesaid E-Rickshaw is his only source of livelihood. 5. Reliance is placed on the judgment of the Hon'ble Supreme Court in Sunderbhai Ambalal Desai v. State of Gujarat, reported in (2002) 10 SCC 283, wherein it was held that prolonged retention of seized vehicles at police stations serves no fruitful purpose. The Magistrate must pass immediate orders for interim release upon appropriate bond, guarantee or security, to prevent loss or depreciation. 6. Per contra, learned State Counsel submits that, upon completion of the investigation, the vehicle was found to be involved in the illegal transportation of contraband and, accordingly, proceedings for confiscation have been initiated, and the vehicle remains in the custody of the concerned police station. 7. Heard learned counsel for the parties and perused the material available on record. The ratio laid down in Sunderbhai Ambalal Desai v. State of Gujarat squarely applies to the facts of the present case, particularly with regard to the expeditious release of seized vehicles to prevent undue hardship and avoid deterioration, subject to appropriate safeguards. 8. In view of the foregoing discussion, the impugned order dated 27.08.2026 is liable to be quashed and is hereby quashed. 9. Consequently, the Criminal Miscellaneous Application stands allowed. The competent authority is directed to release the aforesaid E-Rickshaw in favour of the applicant/registered owner forthwith, subject to his furnishing adequate

			bonds and sureties to the satisfaction of the Court concerned and upon his undertaking that: (i) he shall produce the vehicle as and when required during investigation or trial; (ii) he shall not transfer, alienate or create any third-party interest in the vehicle without prior permission of the Court; and (iii) he shall maintain the vehicle in proper condition. It is made clear that such release shall not prejudice the trial pursuant to FIR No. 38 of 2026. **(Alok Mahra, J.)** 31-10-2026 SHIKSHA SB