2026:AHC:211180

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 3681 of 2026

Udal Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anuj Kumar, Prabhat Pandey, Saumitra Dwivedi, Sharad Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present application under Section 528 BNSS has been filed for quashing of the order dated 27.11.2025 passed by Commissioner, Varanasi Division, Varanasi in Case No. 1054 of 2025, Udal Kumar Vs. State of U.P., under Section 5Ka(8) of U.P. Prevention of Cow Slaughter Act, 1955, whereby the appeal for releasing of his vehicle has been dismissed. Further prayer has been made to quash the order dated 21.02.2025 passed by the District Magistrate, Ghazipur in Case No. 126 of 2024, State Vs. Udal Singh, arising out of Case Crime No. 202 of 2023, under Section 3/51/5Tha/8 of U.P. Prevention of Cow Slaughter Act, Police Station Dildar Nagar, District Ghazipur, whereby objection filed by the applicant against the seizure of his vehicle has been rejected.

3. Learned counsel for the applicant contends that applicant is the owner of the vehicle No. UP 61 BT 4841 and that the vehicle in question has been falsely implicated in the aforesaid case. He further submits that no useful purpose would be served in keeping the vehicle at police station which would result in the vehicle becoming junk. Learned counsel for the revisionist has relied upon a decision of Hon'ble Apex Court in the matter of **Sunder Bhai Ambalal Desai Vs. State of Gujarat 2003 (46) A.C.C. 223** in support of his contention, in which it has been held that it is not desirable in the matter of motor vehicle, the vehicle be kept at the police station for a long time which result in the vehicle becoming junk, therefore, the vehicle-in-question should be released in favour of the registered owner on such terms and conditions as the court below may deem fit and proper. Learned counsel for the applicant has also placed reliance upon the decision of this Court reported in **2012 (77) ACC 381 Shyam Singh Kushwaha Vs. State of U.P. and another,** in support of his contention.

4. After hearing the learned counsel for the applicant, learned A.G.A., and after perusing the order impugned as well as averments made in the present application, this Court is of the opinion, that the arguments as raised by learned counsel for the applicant has substance.

5. Accordingly, both the impugned orders dated 21.02.2025 and 27.11.2025 are hereby set aside with the liberty to the applicant to file an appropriate application along with all relevant documents showing the ownership of the vehicle, before the court concerned and if such an application is filed within one month from today, the same shall be considered and disposed of as expeditiously as possible, in accordance with law, preferably within a period of one month, thereafter, if not confiscated as yet.

6. With the aforesaid directions, this application under Section 528 BNSS is finally disposed off.

(Dr. Gautam Chowdhary,J.)

October 8, 2026
Mustaqeem.

Digitally signed by :-
MOHD MUSTAQEEM KHAN
High Court of Judicature at Allahabad