2026:AHC:208753

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 20047 of 2026

Ramanand Tiwari

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Shri Kant Shukla
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 setting aside of the order dated 30.03.2026 passed by the Chief Judicial Magistrate, Siddhartha Nagar in Case Crime No. 0132 of 2025, under Section 316(5) of B.N.S. read with Section 3/7 of Essential Commodities Act, Police Station Trilokpur, District Siddhartha Nagar, whereby the application moved on behalf of applicant under Section 503 B.N.S.S. has been rejected for want of jurisdiction.

3. Learned counsel for the applicant contends that the applicant is the owner of the seized articles and that the articles are seized in the godown of the applicant. He further submits that no useful purpose would be served in keeping the seized articles in his godwon, which would result becoming junk of the seized articles. Learned counsel for the applicant 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 petitioner 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, the impugned order dated 30.03.2026 passed by the Chief Judicial Magistrate, Siddhartha Nagar in the aforesaid crime, is hereby set aside with the liberty to the applicant to file an appropriate application along with all relevant documents showing the ownership of the seized articles before the concerned District Magistrate, and if such an application is filed within one month from today, the same shall be considered and disposed of as expeditiously as possible by the authority concerned, in accordance with law, preferably within a period of one month, thereafter.

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

(Dr. Gautam Chowdhary,J.)

October 6, 2026
Mustaqeem.

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