IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2582 of 2026

Sajid Khan @ Md. Sajid Khan, aged about 50 Years, son of Nazir Khan, resident of Shamima House, Lohsinghna Road, P.O. & P.S.- Lohsinghna, District- Hazaribag … Petitioner

Versus

The State of Jharkhand ⋯ Opposite Party

For the Petitioner : Mr. Pratik Sen, Advocate
For the State : Ms. Shweta Singh, Addl.P.P.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the prayer to quash the order dated 30.06.2026 passed by the learned Additional Sessions Judge-II, Hazaribagh in Criminal Revision No.74 of 2026 whereby and where under the revision petition filed by the petitioner in connection with M.C.A. No.2861 of 2026 arising out of Charhi P.S. Case No.34 of 2026 registered for the offences punishable under Section 281/106(1) of the B.N.S., 2023 passed by the Judicial Magistrate-1st Class, Hazaribagh whereby and where under the learned Judicial Magistrate partly allowed the prayer of the petitioner under Section 503 of the B.N.S.S, 2023 in connection with Charhi P.S. Case No.34 of 2026 for release of the seized Maruti Baleno Vehicle bearing Registration No.JH02AX9637; and also to quash the order dated 22.05.2026 passed by the learned Judicial Magistrate-1st Class, Hazaribagh whereby and where under the learned

Judicial Magistrate has partly allowed the prayer for release of the said vehicle upon furnishing indemnity bond of Rs.4,00,000/- with one surety as well as furnishing sufficient security of Rs.4,00,000/- per head either in form of Demand Draft or Fixed deposit in the name of the court.

3. The brief fact of the case is that petitioner is the owner of the said Maruti Baleno Vehicle bearing Registration No.JH02AX9637 which was involved in a road accident resulting in the death of two persons. The said car of the petitioner was seized in connection with Charhi P.S. Case No.34 of 2026. The petitioner filed a petition for release of the said vehicle. The learned Magistrate ordered for release of the vehicle in favour of the petitioner subject to the petitioner furnishing indemnity bond of Rs.4,00,000/- and further furnishing sufficient security of Rs.4,00,000/- per head either in form of Demand Draft or Fixed deposit in the name of the court.

4. Being aggrieved by the said order, the petitioner challenged the said order in Criminal Revision No.74 of 2026 but the learned Additional Sessions Judge-II, Hazaribagh vide order dated 30.06.2026 dismissed the said Criminal Revision.

5. Learned counsel for the petitioner relies upon the judgment of this Court in the case of **Rohit Kumar Singh vs. The State of Jharkhand** passed in Cr.M.P. No.4187 of 2023 dated 3rd April, 2024 and submits that therein this Court has modified the order of the In charge, Chief Judicial Magistrate, Giridih and allowed the petition for release of the vehicle being a tractor and trailer subject to the petitioner of that

case furnishing indemnity bond of Rs.2,00,000/- with two solvent sureties and undertaking to pay the compensation amount to be awarded in any motor accident claims case arising out of the said accident.

6. It is next submitted that though the petitioner has challenged the order on several grounds but the petitioner abandons all his grounds and submits that since making of Fixed Deposit or depositing Demand Draft is an onerous condition and the amount involved is much more than the value of the vehicle that can be fetched by putting it to auction sell. So, the petitioner confines his a prayer in respect of condition of depositing the Demand Draft or the Fixed Deposit in the name of the court to be substituted with the condition to furnish indemnity bond with two solvent sureties. Hence, it is submitted that the said prayer be allowed.

7. Learned Addl. P. P. appearing for the State on the other hand vehemently opposes the prayer of the petitioner made in the instant Cr.M.P. and submits that this Cr.M.P., being without any merit, be dismissed.

8. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that the undisputed fact remains that the said Maruti Baleno Vehicle bearing Registration No.JH02AX9637 was seized on 17.04.2026. Because of the conditions imposed, it appears that the petitioner is not able to get the said vehicle released. The purpose of enactment of Rule 6 of Jharkhand Motor Vehicle Accident Claims

Tribunal, 2019 is to ensure that the vehicle owner pays the awarded compensation in the connected compensation case. Though there is provision for selling of the vehicle in public auction by the Magistrate having jurisdiction over the area when accident occurred; on expiry of three months of the vehicle being taken in possession by the investigating police officer and proceeds thereof shall be deposited with the Claims Tribunal but though more than three months have since been elapsed yet the concerned Magistrate has not taken any step to sell the said vehicle in public auction. Continuance of the vehicle being kept under open sky will certainly diminish its value. So, this Court is of the considered view that the act of the learned Magistrate without assessing the present market value of the said seized Maruti Baleno Vehicle bearing Registration No.JH02AX9637 in connection with this case, imposing the condition of furnishing security of Rs.8,00,000/- in the form of Demand Draft or Fixed Deposit appears to be arbitrary and onerous. Hence, the impugned order dated 22.05.2026 passed by the learned Judicial Magistrate-1st Class, Hazaribagh is not sustainable in law and for the same reason, the learned Additional Sessions Judge-II, Hazaribagh having not considered this aspect, the impugned order dated 30.06.2026 passed by the learned Additional Sessions Judge-II, Hazaribagh in Criminal Revision No.74 of 2026, is also not sustainable in law, are liable to be quashed and set aside.

9. Accordingly, the impugned order dated 30.06.2026 passed by the learned Additional Sessions Judge-II, Hazaribagh in Criminal Revision No.74 of 2026 as well as the order dated 22.05.2026 passed by the

learned Judicial Magistrate-1st Class, Hazaribagh passed in connection with M.C.A. No.2861 of 2026 arising out of Charhi P.S. Case No.34 of 2026 are quashed and set aside and the petition of the petitioner for release of the said Maruti Baleno Vehicle bearing Registration No.JH02AX9637 is also allowed subject to the petitioner furnishing an indemnity bond of Rs.8,00,000/- with two solvent sureties with undertaking to pay the compensation amount to be awarded in any motor accident claim case arising out of the said accident.

10. Accordingly, the petitioner who is the registered owner of the vehicle sought to be released being Maruti Baleno Vehicle bearing Registration No.JH02AX9637, is directed to furnish an indemnity bond with two solvent sureties of Rs.8,00,000/- and also to give an undertaking to pay the compensation amount to be awarded in any motor accident claims case arising out of the said accident and also undertaking to produce the said vehicle as and when directed by the court of learned Judicial Magistrate-1st Class, Hazaribagh or its successor court and upon his furnishing such indemnity bond with two solvent sureties, the learned Judicial Magistrate-1st Class, Hazaribagh is directed to release the said Maruti Baleno Vehicle bearing Registration No.JH02AX9637 in favour of the petitioner.

11. In the result, this Criminal Miscellaneous Petition is allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 20th of August, 2026
AFR/ Animesh
Uploaded on- 21/08/2026