



2026:UHC:1807

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>C528 No.446 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mrs. Sheetal Selwal, Advocate for the applicant. Mr. Askshay Latwal, A.G.A. for the State of Uttarakhand.</p> <p>2. By means of the instant criminal miscellaneous application, the applicant seeks quashing of order dated 10.03.2026 passed by learned Special Judge, NDPS Act/1st Additional Sessions Judge, Nainital in Misc. Release Application No.26 of 2026. Further relief is prayed for directing respondents to release the seized Motorcycle bearing registration no.UK18-N-9438 in favour of the applicant.</p> <p>3. The son of the applicant was arrested in connection with the alleged recovery of 18.996 kgs. of <i>Ganja</i>. Along with the said contraband, the motorcycle in question was also seized by the police authorities. It is contended that the applicant, being the registered owner of the said vehicle, moved an application before the learned trial Court seeking its release. However, the learned trial Court, vide order dated 10.03.2026, rejected the said application. Aggrieved by the aforesaid order, the present criminal miscellaneous application has been preferred.</p> <p>4. Learned counsel for the applicant submits that, as per the prosecution case, the motorcycle in question is alleged to have been used for transportation of contraband; however, no cogent or credible material has been brought on record to substantiate the said allegation. It is further contended that the vehicle was primarily being used for supplying milk to a dairy, and the</p>



			<p>applicant's son used to deliver milk using the said motorcycle. It is also submitted that the vehicle has been lying in police custody for a considerable period, and its continued detention is likely to result in deterioration of its condition as well as depreciation in its value.</p> <p>5. Reliance is placed on the judgment of the Hon'ble Supreme Court in <i>Sunderbhai Ambalal Desai v. State of Gujarat</i>, 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.</p> <p>6. Per contra, learned State Counsel submits that, upon completion of 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.</p> <p>7. Heard learned counsel for the parties and perused the material available on record. The ratio laid down in <i>Sunderbhai Ambalal Desai Vs. State of Gujarat</i> squarely applies to the facts of the present case, particularly with regard to expeditious release of seized vehicles to prevent undue hardship and avoid deterioration, subject to appropriate safeguards.</p> <p>8. In view of the foregoing discussion, the impugned order dated 10.03.2026 is liable to be quashed.</p> <p>9. Accordingly, the present Criminal Miscellaneous Application is allowed and the impugned order dated 10.03.2026 is hereby quashed.</p>
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			<p>10. The competent authority is directed to release the aforesaid motorcycle in favour of the applicant/registered owner forthwith, subject to her furnishing adequate bonds and sureties to the satisfaction of the Court concerned and upon her undertaking that:</p> <p>(i) she shall produce the vehicle as and when required during investigation or trial; (ii) she shall not transfer, alienate, or create any third-party interest in the vehicle without prior permission of the Court; and (iii) she shall maintain the vehicle in proper condition.</p> <p>It is made clear that such release shall not prejudice the trial pursuant to F.I.R. No.18 of 2026, registered at Police Station Ramnagar, District Nainital.</p> <p style="text-align: right;">(Alok Mahra, J.) 17.03.2026</p> <p><i>Arpan</i></p>
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