



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>C-528 No.2275 of 2025</p> <p><u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. M.S. Bhandari and Mr. Girveer Chand, learned counsel for the applicant.</p> <p>2. Mr. Rakesh Joshi, learned Brief Holder for the State.</p> <p>3. Present C-528 application has been filed seeking quashing of the impugned judgment and order dated 02.12.2025 passed by the learned Judicial Magistrate, Purola, District Uttarkashi in Criminal Misc. Case No. 59 of 2025 and further seeking a direction to the concerned Police Station Mori, District Uttarkashi to release the seized articles/medicinal herb alleged to be "Saalam Mishri" in favour of the applicant.</p> <p>4. Learned counsel for the applicant would submit that an F.I.R. was lodged by the police personnel alleging therein that while the police party was on patrolling duty to maintain law and order, they intercepted a vehicle carrying bags of forest produce and upon inspection, the Forest Officer allegedly identified the material as a forest herb known as "Meda/Panja", whereupon the persons in the vehicle were apprehended.</p> <p>5. Learned counsel for the applicant would further submit that the applicant is a registered associate representative of the Herbal Research and Development Institute, Uttarakashi, and for the purpose of transportation and sale of medicinal herbs, a valid rawanna/transit pass had been issued in favour of the applicant by the Herbal Research and Development Institute, Gopeshwar-Chamoli for transportation and sale of the medicinal herb known as "Saalam Mishri".</p> <p>6. It is contended that on 10.10.2025, when the applicant was transporting the said medicinal herb along with certain bags</p>



2026:UHC:2414

			<p>of potatoes, the police authorities seized the entire consignment along with the vehicle under Sections 26, 41 and 42 of the Indian Forest Act, 1927, on the allegation that the applicant was in possession of Meda/Panja herbs, for which no valid transit pass had been issued in favour of the applicant.</p> <p>7. It is further submitted that the seized articles are presently lying in the custody of the concerned police station; that, the applicant had moved an application before the learned Judicial Magistrate, Purola, District Uttarkashi seeking release of the seized herbs, however, the said application was rejected vide judgment and order dated 02.12.2025. Being aggrieved thereby, the present application has been preferred before this Court.</p> <p>8. Learned counsel for the applicant would argue that the seized herbs are legally cultivated Saalam Mishri, which do not constitute forest produce within the meaning of the Indian Forest Act. According to him, the police have wrongly described the seized material as Meda/Panja and thereby created a false case against the applicant. It is further submitted that the seized property is of perishable nature, and if the same is not released expeditiously, it will deteriorate and lose its commercial value.</p> <p>9. Per contra, learned State counsel would submit that the claim of the applicant that the seized herbs are legally cultivated Saalam Mishri is disputed. It is contended that the applicant failed to produce valid documents at the time of seizure to establish the legality of the alleged Meda/Panja herbs. It is further submitted that a sample of the seized material has already been sent to the Forensic Research Institute (FRI), Dehradun for scientific examination and the report is still awaited. In such circumstances, the learned Magistrate</p>
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2026:UHC:2414

			<p>rightly rejected the application for release of the seized property in view of the pending examination report.</p> <p>10. At this stage, this Court does not deem it appropriate to record any conclusive finding on the exact nature of the seized herbs, as the scientific report from the Forest Research Institute (FRI), Dehradun is still awaited, which shall have a direct bearing on the determination of the said issue. However, it is not disputed that the seized material consists of herbal produce, which is perishable in nature and susceptible to deterioration if allowed to remain stored for an indefinite period of time in the police station.</p> <p>11. The Hon'ble Supreme Court in <i>Sunderbhai Ambalal Desai v. State of Gujarat</i> AIR 2003 Supreme Court 638 has emphasized that seized property should not be allowed to lie in police custody for long periods and that appropriate orders for its interim release should ordinarily be passed so as to prevent its decay, damage or loss of value. The Court observed that valuable articles and goods should be returned to the rightful claimant on appropriate conditions, subject to proper identification and production as and when required during trial.</p> <p>12. In the present case, the seized herbs are alleged to be medicinal produce having commercial value and are also claimed to be perishable. Keeping such articles in the malkhana of the police station for an indefinite period, particularly when the scientific examination is still pending, may result in deterioration and loss of value of the goods. Therefore, the ends of justice would be adequately served if appropriate safeguards are imposed while directing the release of the seized material.</p> <p>13. Accordingly, the impugned judgment and order dated 02.12.2025 passed by the learned Judicial Magistrate, Purola,</p>
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2026:UHC:2414

District Uttarkashi in Criminal Misc. Case No. 59 of 2025 cannot be sustained in its present form and is liable to be set aside to the extent it declines consideration of release of the seized herbs on suitable conditions.

14. Consequently, the application is allowed. The learned Judicial Magistrate, Purola, District Uttarkashi is directed to release the seized herbal material in favour of the applicant, subject to the following conditions:

(i) The applicant shall furnish adequate security/bond to the satisfaction of the learned Magistrate equivalent to the assessed value of the seized goods;

(ii) Before release, the Investigating Officer shall prepare a detailed inventory of the seized herbs, take photographs and draw representative samples, if not already done, for the purpose of evidence;

(iii) The applicant shall produce the said material before the Court or the Investigating Agency as and when required during the course of investigation or trial; and

(iv) The release of the seized property shall be subject to the final outcome of the proceedings and shall not be construed as an expression of opinion on the merits of the case.

15. It is clarified that the observations made herein are only for the purpose of deciding the present application and shall not affect the merits of the case during investigation or trial.

16. Accordingly, the C-528 application stands disposed of.

17. Pending applications, if any, stand disposed of accordingly.

(Alok Mahra J.)

06.04.2026



2026:UHC:2414