



2026:CGHC:8846

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRA No. 161 of 2026**

1 - Sawat Ram Yadav S/o Shri Ramprasad Yadav, Aged About 33 Years
R/o Village Amne, Police Station Kota, District Bilaspur C.G.

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through The Station House Officer, Police Of
Police Chowki Belgahna, Police Station Kota, District Bilaspur C.G.

... Respondent(s)

For Petitioner(s) : Mr. Roshan Dubey, Advocate

For Respondent(s) : Mr. Anish Tiwari, Panel Lawyer

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****19.02.2026**

1. The appellant has preferred this instant appeal under Section 30-B(4) of the Mines and Minerals (Development and Regulation) Act, 1957, being aggrieved by the order dated 14.08.2025 passed by the learned Special Judge, Mines and Minerals (Development and Regulation) Act, 1957, Bilaspur, District-Bilaspur (C.G.) in M. J. C. Criminal Case No.29-2025, whereby the learned trial Court has rejected the application filed by the appellants U/s 503 of the



BNSS for *supurdnama* of the tractor Registration No. CG-10-BJ-4015.

2. The prosecution case, in brief, is that the present appellant filed an application under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) before the learned Special Judge under the Mines and Minerals (Development and Regulation) Act, 1957, Bilaspur, District Bilaspur (C.G.), seeking release of his vehicle, namely a tractor bearing registration No. CG-10-BJ-4015, on *supurdnama*, along with the requisite documents, which had been seized by the police of Police Chowki Belgahna, Police Station Kota, District Bilaspur (C.G.). As per the prosecution, on 17.06.2025, in the morning hours, the Naib Tahsildar, Belgahna, along with his team, conducted an inspection near the Arpa River at Village Nagoi, during which the aforesaid tractor was allegedly found transporting sand, and the appellant failed to produce the requisite documents relating to lawful transportation of sand. Consequently, FIR No. 615/2025 was registered against the appellant at Police Chowki Belgahna, Police Station Kota, for the offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023, and Sections 4(1), 4(1-A), and 21 of the Mines and Minerals (Development and Regulation) Act, 1957, and the said vehicle was seized by the police authorities. The appellant claims to be the registered owner of the seized vehicle and asserts that he possesses all relevant documents, including the Registration Certificate and insurance, and on that basis filed an application



seeking release of the vehicle on *supurdnama*; however, the said application was rejected by the learned trial Court. Copies of the relevant documents pertaining to the vehicle are being filed herewith collectively. Hence this appeal.

3. Learned counsel for the appellant submits that the learned trial Court has erred in law and on facts in rejecting the application for release of the seized vehicle, as it failed to properly consider the relevant documents relating to lawful transportation of sand and the requisite permission obtained by the appellant. It is further contended that the seized vehicle is a tractor-trolley primarily used for agricultural purposes, and non-release of the same is causing severe hardship to the appellant, who depends upon the vehicle for cultivation and livelihood, thereby facing acute financial distress. It is argued that the vehicle, being machinery, is lying in an open area at Police Station Kota, exposed to natural elements, and prolonged non-use is resulting in deterioration and damage to its parts, causing irreparable loss to the appellant. Learned counsel further submits that the appellant was not engaged in any illegal transportation of sand and that the sand was being carried with due permission for personal use. It is also pointed out that this Hon'ble Court, in similar matters being Criminal Revision Nos. 958/2025, 1086/2025, and 961/2025, vide order dated 18.09.2025, has granted relief under comparable circumstances, and copies of the said orders dated 18.09.2025 and 04.11.2025 have been collectively filed as Annexure A-3. It is further urged



that the trial is likely to take considerable time, the vehicle is not required for identification purposes, and continued seizure serves no useful purpose. The learned trial Court, while rejecting the application, has failed to properly appreciate and apply the principles laid down by the Hon'ble Supreme Court in **Ambalal Desai v. State of Gujarat, reported in (2002) 10 SCC 283, and Multani v. State of Gujarat, reported in (2013) 3 SCC 240,** rendering the impugned order illegal and passed without due application of mind. The appellant further submits that he is ready and willing to abide by any terms and conditions that may be imposed by this Court for release of the vehicle on supurdnama.

4. On the other hand, learned State counsel vehemently opposes the submission made by learned counsel for the appellants and supports the impugned order.
5. I have heard learned counsel for the respective parties and perused the order impugned with utmost circumspection.
6. The Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat, reported in (2002) 10 SCC 283,** has laid down the guiding principles for releasing the vehicle seized by police. Paras 7 and 17 of the said decision are relevant and quoted below:-

"7. In our view, the powers under Section 451 CrPC should be exercised expeditiously and judiciously. It would serve various purposes, namely:

- i. Owner of the article would not suffer because of its remaining unused or by its misappropriation;



ii. court or the police would not be required to keep the article in safe custody;

iii. if proper panchnama before handing over possession of the article is prepare, that can be used in evidence instead of its production before the court during the trial. If necessary, evidence could also be recorded describing the nature of property in detail; and

iv. this jurisdiction of the court to record evidence should be exercised promptly so that there may not be further chance of tampering with the articles.

17. In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police station for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time.

This can be done pending hearing of applications for return of such vehicles."

7. Similar stand has also been taken by the Supreme Court in the case of **Multani Hanifbhai Kalubhai Vs. State of Gujarat & Another, reported in 2013 (3) SCC 240**, wherein the Court expressed that it is not advisable to keep the seized vehicle in the Police Station in open condition which is prone to natural decay on account of weather conditions for a long period.
8. In the present case, it is not in dispute that the offending vehicle was seized on **22.06.2025**, and there is no challenge to the ownership of the appellant. No useful purpose would be served by allowing the vehicle to remain exposed to extreme weather conditions at the police station, thereby rendering it unfit for use. The appellant can be adequately safeguarded by imposing appropriate conditions to ensure production of the vehicle as and when required. Considering the facts and circumstances of the



case and the law laid down by the Hon'ble Supreme Court in **Sunderbhai Ambalal Desai (supra)** and **Multani Hanifbhai Kalubhai (supra)**, this Court is of the considered opinion that the impugned order cannot be sustained in law.

9. **Accordingly**, the appeal is allowed. The order dated **14.08.2025** passed by the learned Special Judge, Mines and Minerals (Development and Regulation) Act, 1957/Sessions Judge, Bilaspur, in **M.J.C. Criminal Case No. 29/2025**, is hereby set aside.
10. **In view of the foregoing**, it is directed that the seized vehicle, i.e., tractor bearing Registration No. **CG-10-BJ-4015**, be released forthwith in favour of the appellant on *interim custody*, subject to the following conditions:
 - (i) the appellant shall furnish a **bank guarantee of ₹1,00,000/-**;
 - (ii) the appellant shall execute a *supurdnama* in the sum of **₹5,00,000/-** before the concerned Trial Court; and
 - (iii) the learned Trial Court shall be at liberty to impose any other condition(s) deemed fit and proper while releasing the offending vehicle.

Sd/-
(Sanjay Kumar Jaiswal)
Judge