

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>C-528 No. 856 of 2025 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. M.K. Ray, learned counsel for the applicant.</p> <p>2. Mr. Pradeep Lohani, learned Brief Holder for the State.</p> <p>3. By means of the instant criminal miscellaneous application, the applicant seeks quashing of order dated 11.04.2025 passed by learned Additional Sessions Judge, Khatima, District Udham Singh Nagar in Sessions Trial No. 15 of 2024, State of Uttarakhand Vs. Dilbag Singh and Others. Further relief is prayed for directing the respondents to release the seized vehicle bearing registration no.UK06 Y-1476 in favour of the applicant.</p> <p>4. It is the case of the applicant that FIR has not been lodged against him nor he has been chargesheeted, but, merely on the basis of allegation that his vehicle in question was used in commission of crime, his vehicle has been seized by the Police.</p> <p>5. It is contended by learned counsel for the applicant that the applicant moved an application seeking release of the seized vehicle before the learned Additional Session Judge, Khatima, District Udham Singh Nagar. The learned Session Judge, vide order dated 11.04.2025 had rejected the said application. Aggrieved thereby, the present application has been preferred.</p> <p>6. Learned counsel for the applicant submits that the vehicle in question has been lying in the custody of the police</p>

since long and continued detention would result in its deterioration and depreciation in value.

7. Reliance is placed on the judgment of the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai v. State of Gujarat*, 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.

8. *Per contra*, learned State Counsel submits that, upon completion of investigation, the vehicle was found to be involved in the commission of crime, and, accordingly, proceedings for confiscation have been initiated, and the vehicle remains in the custody of the concerned Police Station.

9. Heard learned counsel for the parties and perused the material available on record. The ratio laid down in *Sunderbhai Ambalal Desai Vs. State of Gujarat* 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.

10. In view of the foregoing discussion, the impugned order dated 11.04.2025 passed by learned Additional Sessions Judge, Khatima, District Udham Singh Nagar in Sessions Trial No. 15 of 2024 is liable to be interfered with. Accordingly, the said order is quashed.

11. Consequently, the Criminal Miscellaneous Application stands allowed.

12. The competent authority is directed to release the aforesaid vehicle in favour of the applicant/registered owner forthwith, subject to his furnishing adequate bonds and sureties to the satisfaction of the Court concerned and upon his undertaking that: (i) he shall produce the vehicle as and when required during investigation or trial; (ii) he shall not transfer, alienate, or create any third-party interest in the vehicle without prior permission of the Court; and (iii) he shall maintain the vehicle in proper condition. It is made clear that such release shall not prejudice the trial.

13. It is specifically made clear that the aforesaid vehicle shall be released subject to the applicant submitting the original registration certificate of the vehicle.

(Alok Mahra J.)

10.03.2026

Ujjwal