

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 429 of 2026**

Niranjan Singh Paikra S/o Late Mahraj Singh Paikra Aged About 49 Years Resident of Nagoi, Chowki, Belgahana P.S. Kota, District-Bilaspur (C.G.)

... Appellant**versus**

State of Chhattisgarh Through- Station House Officer Police Station-Kota (Police Chowki Belgahana) District- Bilaspur (C.G.)

... Respondent

For the appellant	:	Mr. T. R. Patel, Advocate
For the State	:	Mr. Anish Tiwari, Dy. G.A.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****09.04.2026**

1. The appellant has preferred this appeal under Section u/s 30-B(4) of the Mines and Minerals (Development and Regulation) Act, 1957 being aggrieved of the order dated 02.12.2025 passed by learned Special Judge Mines and Minerals (Development & Regulation) Act, 1957, Bilaspur, District Bilaspur in Special Case (Mines & Minerals) No. 28/2025 whereby the application filed u/s 497 of BNSS for releasing the vehicle on Supurdnama, has been rejected.
2. The Vehicle/Tractor-trolley bearing Regn. No.C.G.10/BD-5086 Chassis No. IVY5045DPLA020899 and Engine No. PY3029D607317 was seized by the Police in Crime No.617/2025 registered at Police Station Kota, (Police Chowki Belgahana) Bilaspur for the offence under Section 303(2) of BNS & Sections 4(1), 4(1-a) and 21 of Mines



and Minerals (Development & Regulation) Act, 1957. An application was moved by the present appellant registered owner, for releasing the seized vehicle on Supurdnama which was rejected by the Special Judge , Bilaspur vide order dated 02.12.2025 leading to the filing of this appeal. The said application was rejected by the Special Judge on the ground that the vehicle was involved in illegal mining of sand at Nagoi Ghat of Arpa River.

3. Learned counsel for the appellant submits that the appellant is the registered owner of the said vehicle. The appellant has valid and effective documents required for the said vehicle to be released on Supurdnama. He further submits that if the seized vehicle is kept for a long time idle in the Police Station, there is danger of it being damaged by vagaries of weather and no useful purpose would be served by detaining the vehicle in the police station till the trial is concluded, therefore, it is prayed that the seized motorcycle may be released on Supurdnama.
4. On the other hand, learned State counsel vehemently opposes the submission made by learned counsel for the appellant and supported the impugned order. He submits that The vehicle's number plate had been deliberately removed.
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**, in para 7 and 17 has laid down guiding principles for releasing the vehicle seized by Police. For ready reference, the relevant portion is reproduced 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 Supreme Court has 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 whether conditions for a long period.
8. In the instant case, it is pertinent to mention that there is no objection to the ownership of the appellant. It is also necessary to note that no useful purpose would be served if the said vehicle is allowed to get exposed in the extreme weather conditions in the Police Station, rather the said vehicle can be released to the appellant, who is claiming himself to be the owner of the vehicle, so that he can get the vehicle into optimum utilization thereby it does not become junk and suffer irreparable loss. In this case, it is found that the said vehicle is left idle for a long period and is still put to irreparable damages.



9. Considering the facts and circumstances of the case in light of the decisions rendered by the Hon'ble Supreme Court in the matter of **Sunderbhai Ambalal Desai (Supra) & Multani Hanifbhai Kalubhai (Supra)**, the instant appeal is **allowed** and the order dated 02.12.2025 passed by the learned Special Judge Bilaspur in Crime No. 617/2025 of P.S. Kota (Police Choki – Belgahana) is hereby set aside.
10. Accordingly, it is directed that the interim custody of Tractor-trolley bearing Regn. No. C.G.10/BD-5086 be immediately handed over to the appellant on his furnishing a personal bond in sum of Rs.10,00,000/- to the satisfaction of the trial Court by way of Supurdnama. He shall further furnish a Bank Guarantee in sum of Rs. 4,00,000/-. The appellant shall also submit an undertaking that he will not alter the nature, condition, or colour of the vehicle/equipment during the interim period nor shall he create a third party right or interest over the said vehicle. He shall also undertake that he shall produce the vehicle as and when required by the Court during trial. He shall further undertake to produce the vehicle to any competent authority under any other statutes as and when required.
11. However, it is made clear that this order of interim custody shall cease to be effective in the event of confiscation proceedings already decided or upon final disposal of the criminal case. If the confiscation has already been done, the custody of the vehicle shall be in accordance with the confiscation order.
12. With the aforesaid observation/directions, the present appeal stands **allowed**.

Sd/-
(Sanjay Kumar Jaiswal)
Judge