

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-14893-2026
IN CRA-D-206 of 2021

Gurjinder Singh

...Applicant-appellant

Versus

State of Punjab & Anr.

...Respondents

ORDER RESERVED ON	ORDER PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
12.05.2026	29.05.2026	FULL PRONOUNCED	04.06.2026

Present: Mr. Sandeep Verma, Advocate, for the applicant-appellant.

Ms. Pooja Nayar Sharma, DAG, Punjab.

Mr. Rajiv Sharma, Special Public Prosecutor, with Mr. Vinayak Atre, Advocate, and Ms. Indu Bala Sharma, Advocate for respondent No.2.

PER: ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
38/2018	14-09-2018	P.S. NCB Chandigarh	§§15,25,27(A) and 29 of the NDPS Act, 1985 [NDPS Act]

CASE DETAILS	
Name of the Court	Special Judge Patiala
Case Type	NDPS Act
Case No.	NDPS:32 of 8.3.2019
CIS no.	133 of 2019
CNR No.	PBPT01 006627-2019
Date of Decision	17.3.2021
Date of order on the quantum of sentence	

Accused No.	Name of the accused/convict	Conviction under Sections
A-1	Sandeep Singh	§15 NDPS Act
A-2	Sarabjeet Singh	§15 NDPS Act
A-3	Amandeep Singh	§15 NDPS Act
A-4	Gurjinder Singh	§§27-A, 25, 29 NDPS Act

1. Aggrieved by the confiscation of a vehicle, the applicant-appellant, claiming himself to be its registered owner, has come up before this Court seeking its release on financial bonds.

2. The facts of the case are being taken from the impugned judgment. On Sep 13, 2018, the Investigation Officer, Narcotics Control Bureau's [NCB] received secret information about the transportation of 2 to 3 quintals of poppy husk from Mandsaur, Madhya Pradesh, towards Bhavani via Samana to be delivered to Gurjinder Singh, the applicant herein. At about 9:15 PM, the NCB team started maintaining a vigil on trucks coming from Pathran's side, and at about 9:30 PM, one truck matching the description in the secret information was observed approaching Bhavanigar Chowk, Samana. The NCB officers signaled for it to stop and noticed that two people were sitting beside the driver in the truck. They were asked to alight, and the driver disclosed his name as Amandeep Singh, while the other two disclosed theirs as Sarabjeet Singh and Sandeep Singh. During the search of the truck, the police recovered sacks full of poppy husk, and all the three occupants of the truck were arraigned as accused. After conducting further investigation, the total weight of poppy husk was 252.600 kilograms. Further investigation revealed the involvement of the truck owner, Gurjinder Singh, the applicant herein, who was also arraigned as accused #4.

3. By the judgment dated Mar 17, 2021, Special Judge Patiala, convicted the truck's occupants, under §15¹ and the present applicant was convicted under sections §§27A², 25³, and 29⁴ of the NDPS Act and sentenced separately.

4. The vehicle mentioned above [a TATA LPT3118 TC FULL OPEN BODY 2017, bearing registration No. PB-13BB-0379], was seized in FIR mentioned above.

5. In the order of sentencing dated Mar 19, 2021, the trial Court also ordered that since convicts were using the truck bearing number PB-13-BB-0379 to transport the contraband and as per the copy of RC Exhibit P14, the said truck was owned by Gurjinder Singh who was also convicted under §25 of the NDPS Act and since the truck was found to have been used for transporting the poppy husk, and the owner of the truck who had already been held guilty under §25 of the NDPS Act, consequently the truck in question was ordered to be confiscated to the State.

6. Challenging the judgment of conviction and sentence, the appellant had come up before this court by filing the present appeal, which stands admitted and is pending for final hearing. By order dated Sep 10, 2025, a coordinate division bench suspended the appellant's sentence. As per the custody certificate dated 09-05-2026, he is not in custody in the present FIR since 29-10-2025.

7. Now, the applicant, Gurjinder Singh, has filed the present application, CRM 14893

¹ §15. Punishment for contravention in relation to poppy straw.

² §27A. Punishment for financing illicit traffic and harboring offenders.

³ §25. Punishment for allowing premises, etc., to be used for commission of an offence.

⁴ §29. Punishment for abetment and criminal conspiracy.

of 2026, for the release of the truck in question on Superdari.

8. The applicant's primary ground for release is that he was not heard.

9. In *Bishwajit Dey v The State of Assam* [2025] 1 SCR 281; 2025-INSC-32, Jan 07, 2025, a two-member bench of the Hon'ble Supreme Court holds,

[21]. Upon a reading of the NDPS Act, this Court is of the view that the seized vehicles can be confiscated by the trial court only on conclusion of the trial when the accused is convicted or acquitted or discharged. Further, even where the Court is of the view that the vehicle is liable for confiscation, it must give an opportunity of hearing to the person who may claim any right to the seized vehicle before passing an order of confiscation....

10. At the present stage, the appeal against conviction remains pending adjudication, and the possibility of the convict ultimately being acquitted cannot be ruled out. This Court is presently not concerned with examining the legality or correctness of the conviction on the merits. The issue that falls for consideration is confined to the impact of continued confiscation/retention of the vehicle, particularly in the context of its prolonged disuse, deterioration, and the consequential economic implications arising therefrom.

11. The relief sought before this Court is essentially interim in nature, namely, release of the vehicle during the pendency of the appeal, subject to such safeguards and conditions as may be deemed appropriate. Needless to observe, the question regarding final confiscation or otherwise of the vehicle shall remain subject to the ultimate outcome of the appeal and the final orders that may be passed therein.

12. In the present case, the poppy husk was recovered from the truck, which was owned by the applicant, Gurjinder Singh, and registered in his name. Other convicts have filed appeals challenging the judgment, and the appeals are also pending. However, we do not want to tinker with the impugned judgment in part and leave this point to be taken up at the final hearing. Given the above, we are proceeding to adjudicate the application seeking release of the vehicle on financial bonds.

13. We had called for the valuation report on 20.04.2026, and the order reads as follows:

"Learned counsel for the applicant submits that the accused has been sentenced. He submits that the vehicle in question is currently lying idle at the police station, leading to the continued degradation of its value. The applicant expresses willingness to furnish a surety equivalent to the current market value of the vehicle, as assessed by a certified valuer if the same is released in his favour as he is registered owner of the vehicle. Counsel further requests that a valuer be permitted to inspect the vehicle for the purpose of issuing a valuation certificate.

Let the State file its reply in the matter. In the interim, the applicant is permitted to take a certified valuer to the concerned police station for inspection of the vehicle. The Station House Officer (SHO) is directed to

facilitate this inspection to the valuer, and shall avoid any unnecessary delay in the valuation process. The applicant shall submit a copy of the valuation certificate before this Court and produce the original at the time of the vehicle's release, if so ordered. It is clarified that these observations are made solely for the purpose of exploring the temporary release of the vehicle as condition of the vehicle is deteriorating and shall not be construed as an opinion on the merits. Furthermore, this order does not imply that the vehicle will be released on the next date of hearing. This direction is based on the specific facts of the present case and shall not be cited as a judicial precedent in other matters.

List the matter on 04.05.2026."

14. After that, the applicant had handed over the "*Estimated Market Value Valuation Report (CV)*", and inspection-cum-valuation, and the respondents did not file any written objections but opposed the vehicle's release on superdari/bonds.

15. To put financial pressure on vehicle owners, the Legislature has provided for forfeiting the vehicles. In an investigation under the NDPS, §60 defines the 'Liability' of illicit drugs, substances, plants, articles, and conveyances to confiscation, and §63 defines the 'Procedure' in making confiscations.

16. Apart from the confiscation, the only purposes for which the vehicle may be required are identification or the collection of evidence from the vehicle. Under BSA, 2023 [Indian Evidence Act, 1872], not only the goods, but even perishable items have the same evidentiary status, such as Medico-Legal Certificates, Postmortem Examination Reports, reports from the Forensic Science Laboratory, Chemical Examiners, and Ballistic Experts, and also the FSL reports seized under the NDPS Act, and the only exceptions are identification of the property recovered at the accused's instance or from the premises of the accused, or from someone to whom the accused had sold or handed over it etc., and even these can be released; however strictly as per law, and at appropriate stages of the investigation and the trial.

17. It shall be relevant to refer to §497 from the CHAPTER XXXVI of BNSS, 2023, that deals with the DISPOSAL OF PROPERTY, and it reads as follows:

DISPOSAL OF PROPERTY

497. (1) When any property is produced before any Criminal Court or the Magistrate empowered to take cognizance or commit the case for trial during any investigation, inquiry or trial, the Court or the Magistrate may make such order as it thinks fit for the proper custody of such property pending the conclusion of the investigation, inquiry or trial, and, if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the Court or the Magistrate may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

Explanation.—For the purposes of this section, "property" includes—

(a) property of any kind or document which is produced before the Court or which is in its custody;

(b) any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence.

(2) The Court or the Magistrate shall, within a period of fourteen days from the production of the property referred to in sub-section (1) before it, prepare a statement of such property containing its description in such form and manner as the State Government may, by rules, provide.

(3) The Court or the Magistrate shall cause to be taken the photograph and if necessary, sub-section (1).

(4) The statement prepared under sub-section (2) and the photograph or the videography taken under sub-section (3) shall be used as evidence in any inquiry, trial or other proceeding under the Sanhita.

(5) The Court or the Magistrate shall, within a period of thirty days after the statement has been prepared under sub-section (2) and the photograph or the videography has been taken under sub-section (3), order the disposal, destruction, confiscation or delivery of the property in the manner specified hereinafter.

18. The Courts have favoured release of the case property and in the following matters, which were NOT under the NDPS Act, the case properties were ordered to be released;

19. In *Basavva Kom Dyamangouda Patil v. State of Mysore*, (1977) 4 SCC 358, decided on 19 April 1977, a three-Judge bench of the Hon'ble Supreme Court holds,

[4]. The object and scheme of the various provisions of the Code appear to be that where the property which has been the subject-matter of an offence is seized by the police it ought not to be retained in the custody of the Court or of the police for any time longer than what is absolutely necessary. As the seizure of the property by the police amounts to a clear entrustment of the property to a government servant, the idea is that the property should be restored to the original owner after the necessity to retain it ceases. It is manifest that there may be two stages when the property may be returned to the owner. In the first place it may be returned during any inquiry or trial. This may particularly be necessary where the property concerned is subject to speedy or natural decay. There may be other compelling reasons also which may justify the disposal of the property to the owner or otherwise in the interest of justice....

[6]. It is common ground that these articles belonged to the complainant/appellant and had been stolen from her house. It is, therefore, clear that the articles were the subject-matter of an offence. This fact, therefore, is sufficient to clothe the Magistrate with the power to pass an order for return of the property. Where the property is stolen, lost or destroyed and there is no prima facie defence made out that the State or its officers had taken due care and caution to protect the property, the Magistrate may, in an appropriate case, where the ends of justice so require, order payment of the value of the property. We do not agree with the view of the High Court that once the articles are not available with the Court, the Court has no power to do anything in the matter and is utterly helpless.

20. In *K.W. Ganapathy v. State of Karnataka*, 2002 SCC OnLine Kar 320, decided on June 11, 2002, Karnataka High Court observed,

[8]. In order to ensure the recovery of value, it is necessary that the Trial Court shall take all necessary diligent steps to get the market value of the

property, correctly assessed the photography of the property, properly taken depicting all its features and dimensions and before the property is delivered to the interim custody, the photographs have to be certified by the Magistrate. Further necessary bonds and security to be taken from the person to whom interim custody to be given for the value of the property in order to ensure prompt recovery of value from the person to whom interim custody is given. By following the said safeguards, it is no longer necessary to follow the archaic convention of imposing condition of non-alienation. After all the Court while passing a judicial order of interim custody is guided by the investigation material and other prima facie material, which support the claim and title of the person to whom interim custody is given. Having once given the interim custody to the person who is supposed to be the owner of the property, depriving him to effectively use and exercise the lawful ownership rights would be unlawful.

21. In *Sunderbhai Ambalal Desai v. State of Gujarat*, (2002) 10 SCC 283, the Hon'ble Supreme Court holds,

[Pg 41, para H; Pg 42, para A-C]. In our view, the powers under Section 451 CrPC should be exercised expeditiously and judiciously. It would serve various purposes, namely:

1. Owner of the article would not suffer because of its remaining unused or by its misappropriation;
2. Court or the police would not be required to keep the article in safe custody;
3. If the proper panchnama before handing over possession of the article is prepared, 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 the property in detail; and
4. 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.

Pg 44, para G. In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations 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.

Pg 44, para H, Pg 45, para A-B. In case where the vehicle is not claimed by the accused, owner, or the insurance company or by third person, then such vehicle may be ordered to be auctioned by the Court. If the said vehicle is insured with the insurance company then insurance company be informed by the Court to take possession of the vehicle which is not claimed by the owner or a third person. If Insurance company fails to take possession, the vehicles may be sold as per the direction of the Court. The Court would pass such order within a period of six months from the date of production of the said vehicle before the Court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.

22. In *Canara Bank v. State of Punjab*, 2005 SCC OnLine P&H 878, decided on September 21, 2005, Single Bench of Punjab and Haryana High Court observed,

[11]. A tractor is an automobile consisting of mechanical and rubber parts, which by their nature are subject to natural decay. Though the tractor has been released to the bank,—*vide* order of the Judicial Magistrate 1st Class dated 5th February, 2004, it is of no use to the Bank and is lying idle. It would soon be reduced to junk. The sale of the tractor, would benefit both the bank and the accused. The bank would be able to recover a part of the loan advanced and the civil liability of the accused would stand correspondingly reduced. In my considered opinion, in the fact and circumstances of the present case, even though the tractor is a case property expediency of the situation demands that the bank be permitted to sell the tractor subject to certain terms and conditions.

23. In *General Insurance Council & Ors. v. State Of Andhra Pradesh & Ors.*, WP 14 of 2008, Apr 19, 2010, [2010] 5 S.C.R. 97, Apr 19, 2010, the Hon'ble Supreme Court holds,

[15]. It is a matter of common knowledge that as and when vehicles are seized and kept in various police stations, not only they occupy substantial space of the police stations but upon being kept in open, are also prone to fast natural decay on account of weather conditions. Even a good maintained vehicle loses its road worthiness if it is kept stationary in the police station for more than fifteen days. Apart from the above, it is also a matter of common knowledge that several valuable and costly parts of the said vehicles are either stolen or are cannibalised so that the vehicles become unworthy of being driven on road. To avoid all this, apart from the aforesaid directions issued hereinabove, we direct that all the State Governments/ Union Territories/Director Generals of Police shall ensure macro implementation of the statutory provisions and further direct that the activities of each and every police stations, especially with regard to disposal of the seized vehicles be taken care of by the Inspector General of Police of the concerned Division/Commissioner of Police of the concerned cities/Superintendent of Police of the concerned district.

24. In *Sundaram Finance Ltd v. The State of Tamil Nadu*, CrI. O.P. No. 5278 of 2007, decided on July 9, 2010, Madras High Court observed,

[11]. This Court is of the firm opinion that return of vehicles and permission for sale thereof should be the general norm rather than the exception it is today. The clear dictate of the Hon'ble Apex Court in this regard is followed more in the breach than in observance. Given the facilities of the modern day, there hardly is any scope to think that evidence relating to vehicles cannot be held in altered form. Causing of photographs and resort to videography, together with recording such evidence as befits a particular case would well serve the purpose. In cases where return of vehicles is sought and the claim therefor is highly contested, resort to sale of vehicle and credit of the proceeds in fixed deposits pending disposal of the case would be to the common good. None gain when the mere shell or the remnants of the vehicle are returned to the person entitled thereto, after completion of the trial. It would be no surprise to find that several vehicles have not been so much as claimed after completion of trial, because of the worthless state they have been reduced to. It is but natural to expect that a person eventually entitled would rather have the sale proceeds together with interest, than nothing at all.

25. In *M/s.PMJ Gems and Jewellers Pvt. Ltd.v. State rep. by The Inspector of Police*, Crl.O.P No.5254 of 2021, Mar 23, 2021, Madras High Court observed,

[41]. Thus, power is available to the criminal courts under Section 451 Cr.P.C to give permission to the owner or to the persons entitled to sell the case-property even pending enquiry or trial, if the property is subject to speed by and natural decay or in other words, in the facts and circumstances of the case, if the Court is of the view that such permission is required to be granted. But, at the same time, in property offences and in other type of offences, where property is involved, the facts and circumstances of the case may need, production of them as material objects, as physical evidence during trial. Reading Sections 451 and 452 of Cr.P.C, it is seen that converted form of such physical evidence may also be produced before the court at the time of trial. As we have seen already in *SUNDERBHAI AMBALAL* (supra), the Honourable Apex Court enabled production of such converted form of evidence of case properties.

26. Section 52A of the NDPS Act provides for the disposal of seized narcotic drugs and psychotropic substances, while § 52A(2) specifically contemplates preparation of inventory of seized vehicles as under:

52A. Disposal of seized narcotic drugs and psychotropic substances.—

(1) The Central Government may, having regard to the hazardous nature, vulnerability to theft, substitution, constraint of proper storage space or any other relevant consideration, in respect of any narcotic drugs, psychotropic substances, controlled substances or conveyances, by notification in the Official Gazette, specify such narcotic drugs, psychotropic substances, controlled substances or conveyance or class of narcotic drugs, class of psychotropic substances, class of controlled substances or conveyances, which shall, as soon as may be after their seizure, be disposed of by such officer and in such manner as that Government may, from time to time, determine after following the procedure hereinafter specified.

(2) Where any narcotic drugs, psychotropic substances, controlled substances or conveyances has been seized and forwarded to the officer-in-charge of the nearest police station or to the officer empowered under section 53, the officer referred to in sub-section (1) shall prepare an inventory of such [narcotic drugs, psychotropic substances, controlled substances or conveyances containing such details relating to their description, quality, quantity, mode of packing, marks, numbers or such other identifying particulars of the narcotic drugs, psychotropic substances, controlled substances or conveyances or the packing in which they are packed, country of origin and other particulars as the officer referred to in sub-section (1) may consider relevant to the identity of the narcotic drugs, psychotropic substances, controlled substances or conveyances in any proceedings under this Act and make an application, to any Magistrate for the purpose of—

- (a) certifying the correctness of the inventory so prepared; or
- (b) taking, in the presence of such magistrate, photographs of such drugs, substances or conveyances and certifying such photographs as true; or

(c) allowing to draw representative samples of such drugs or substances, in the presence of such magistrate and certifying the correctness of any list of samples so drawn.

(3) Where an application is made under sub-section (2), the Magistrate shall, as soon as may be, allow the application.

(4) Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1972) or the Code of Criminal Procedure, 1973 (2 of 1974), every court trying an offence under this Act, shall treat the inventory, the photographs of narcotic drugs, psychotropic substances, controlled substances or conveyances and any list of samples drawn under sub-section (2) and certified by the Magistrate, as primary evidence in respect of such offence.

27. The Courts have ordered the release of the vehicles confiscated under the NDPS Act and a few of such precedents are as follows:

28. In *Abhijeet Kumar v State of Uttaranchal*, the single judge bench of the High Court of Uttaranchal [2019 SCC OnLine Utt 265] held:

[7]. No such provision has been brought to the notice of the Court, which may restrict the power of the Court to release any vehicle seized in connection with an offence committed under the Act. Definitely, as per the provisions of Section 51 of the Act, the provision of the Code will apply, *inter alia*, in the cases of release of any vehicle. There are three situations which deal with for the release of any article seized by the Police. They are Section 451, 452 and 457 of the Code. The provision of Section 451 of the Code comes into play when any property is produced before the court during any inquiry or trial. In such cases, the Court may make such order, which it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial. Section 452 of the Code makes provision for disposal of property at the conclusion of trial and Section 457 makes provision in cases when the seizure of property by any Police is reported to the Magistrate under the provision of the Code and such property is not produced before the court during inquiry or trial.

29. In *Bishwajit Dey v The State of Assam* [2025] 1 SCR 281; 2025-INSC-32, Jan 07, 2025, a two-member bench of the Hon'ble Supreme Court holds,

[22]. This Court is further of the opinion that there is no specific bar/restriction under the provisions of the NDPS Act for return of any seized vehicle used for transporting narcotic drug or psychotropic substance in the interim pending disposal of the criminal case.

[23]. In the absence of any specific bar under the NDPS Act and in view of Section 51 of NDPS Act, the Court can invoke the general power under Sections 451 and 457 of the Cr.P.C. for return of the seized vehicle pending final decision of the criminal case. Consequently, the trial Court has the discretion to release the vehicle in the interim. However, this power would have to be exercised in accordance with law in the facts and circumstances of each case.

[28]. Undoubtedly, the Vehicle is a critical piece of material evidence that may be required for inspection to substantiate the prosecution's case, yet the said requirement can be met by stipulating conditions while releasing

the Vehicle in interim on superdari like videography and still photographs to be authenticated by the Investigating Officer, owner of the Vehicle and accused by signing the said inventory as well as restriction on sale/transfer of the Vehicle.

30. In *Denash v. The State of Tamil Nadu*, [2025] 10 SCR 950; 2025-INSC-1258, decided on Oct 10, 2025, the Hon'ble Supreme Court holds,

[13]. A bare perusal of the rules [Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022], particularly the provisions pertaining to disposal of conveyances would make it clear that they are only supplemental to the scheme of disposal contemplated under the NDPS Act. The Rules being subordinate legislation, cannot supersede the provisions of the parent legislation, i.e., the NDPS Act. It is well settled that the Rules framed under a statute are intended to carry out the purposes of the Act and cannot travel beyond or be inconsistent with the parent legislation.

[17]. While the Rules of 2022 lay down the procedure for initiation and disposal of seized articles, they are notably silent on the rights of persons whose property is affected by such disposal. This omission assumes particular importance in cases where the seized property is not a contraband *per se* but a conveyance or container belonging to a third party who may have no connection with the seized contraband. In this context, it is essential to refer to the substantive and procedural provisions contained in Sections 60 and 63 of the NDPS Act, which form the statutory framework governing confiscation and the rights of claimants.

[22]. The legislative scheme thus contemplates that confiscation, being a measure resulting in deprivation of property, must conform to the basic tenets of natural justice and must be preceded with a prior hearing which would ensure that an innocent owner or a *bona fide* claimant, whose vehicle or container might have been misused without his knowledge or connivance, is not subjected to undue hardship and unjust deprivation of his property.

[27]. ...While the Act provides for confiscation in appropriate cases, it does not preclude the Court from granting interim release of the vehicle where the circumstances so warrant. The exercise of such judicial discretion is to be guided by the facts and circumstances of each case and should be undertaken in a manner that safeguards the rights of a *bona fide* owner at the same time balancing the need for detention of the vehicle/conveyance in appropriate cases.

31. An analysis of the legal provisions and the judicial precedents referred to above leads to the following outcome.

32. The conviction of the accused in the trial, who was transporting the drugs in a vehicle, has a bearing on the confiscation of the vehicle. However, there may be cases where none of the grounds for releasing the vehicle apply, and the trial results in an acquittal because the vehicle's recovery cannot be proved. In such cases, there would certainly be no mandate to confiscate the vehicle. Hypothetically, another scenario arises when a person is convicted by the trial Court but files an appeal before a higher Court. The

conviction attains finality only when the appeal is decided. If, on appeal, the conviction is set aside and the drugs are not found to have been recovered from the vehicle or are found to have been transported under a license the Court finds valid, then §60 of the NDPS shall not apply.

33. It is not that the confiscation of vehicles under the NDPS Act is for dismantling the vehicles that were used to transport drugs, but rather to inflict financial loss on their owners to dissuade their hiring/usage. However, consider a case in which drugs are transported in an airplane, a helicopter, a private train, or a ship. Confiscating such vehicles would have a devastating effect on owners' finances, on the financial institutions that have hypothecated them by financing their purchases, on the infrastructure, and on commuters' lives.

34. Needless to say, when any confiscated vehicle is kept out of use by placing it in a parking lot, it serves no purpose whatsoever. Eventually, this vehicle will also become unfit for the road and will have to be dismantled, turning it into scrap and, along with this, devaluing it to junk. The vehicle's debris is not without a history: it starts with the excavation of minerals, the journey to refineries and smelters, the production line, and sale; enroute consuming so much toil, time, energy, carbon footprints, space, and money, and if not monetized before its value erodes, everything goes down the drain without recovering even a fraction of the cost of the long lasting pollutants generated in the entire process, and thus, diminishing the entire human effort. Thus, when the confiscated vehicles are kept inside and outside the compounds of the Police Stations or other places, apart from being the eyesores, all and everyone become the losers, starting from our planet that suffered the irreparable loss, the equity provider, the financier, the purchaser, and even the State, because of the erosion in the value of the machine.

35. In fact, the crime was committed by the driver of the vehicle or by the person who kept drugs in the vehicle, not by the vehicle itself. And there is no assurance that, after the confiscation, the vehicle, when resold by the Government, will not again be used for transportation. As such, after the vehicles are confiscated, they must be released on financial bonds, which means that, if the vehicle is eventually confiscated, the owner shall pay an amount equal to the value of the vehicle as fixed by the Court under confiscation, along with a reasonable rate of interest, to be compounded annually.

36. The truck in question has been in a godown for the last so many years. The applicant is willing to give an undertaking that, in the event the confiscation order is upheld, he undertakes to pay the current market value of the vehicle, together with interest, as directed by this Court.

37. Given the above, the above-mentioned vehicle must be released in favor of its registered owner by following the procedure mentioned in this order.

38. Thus, the applicant may file an application for release by annexing the valuation report along with a declaration/ certification of the current market value of the truck, a copy of the Registration Certificate, and his personal bond and one bond to be furnished by a solvent Guarantor, who has no outstanding loans or is an accused in cheque bounce cases. In the bonds, the applicant and the Guarantor shall undertake to pay to the State of Punjab an amount equal to the truck's current market value, along with interest at the rate of 6% per annum, compounded annually.

39. The Application shall be accompanied with the applicant's affidavit(s) declaring that the Applicant is the registered owner of the vehicle or its purchaser, if the name does not reflect on the registration certificate, and shall annex self-attested copies of all documents of purchase, or authorized agent, or is power of attorney holder of any of the above, and produce the original documents for comparison, and that neither the Applicant nor the registered owner of the vehicle or its purchaser or authorized agent, or power of attorney holder, as the case may be, shall claim any prejudice.

40. The Registration Certificate of the vehicle/purchaser shall be returned to the Applicant by keeping an authenticated copy for the records.

41. A vehicle's registration certificate proves not only its details but also those of its registered owner and hypothecation. The concerned Court, upon verifying the registration certificate and ascertaining that the applicant is the registered owner of the vehicle sought to be released, shall consider ordering its release to the applicant. If the vehicle is found to be hypothecated, information about its release will also be sent to the relevant financial agency.

42. On receipt of the orders from the concerned Court, the Investigator/ SHO/ Supervisory Officer shall, without any unnecessary delay, proceed to take steps for the vehicle's release, and shall ensure that the vehicle is taken away from the parking slot.

43. Subject to the continuation of the financial bonds, as mentioned above, and subject to any hypothecation, if any, there shall be no restriction to make alterations in the vehicle, including a change of color, exterior, or interior, etc., Further, if not prohibited by any other order issued by any Court or a Quasi-Judicial Authority, or hypothecation, there shall be no restriction on selling, or hypothecating the vehicle or to transfer the ownership rights, and similarly or on its subsequent purchaser(s).

44. This order is subject to compliance within ninety days, failing which it shall eclipse,

lapse, and shall stand being recalled automatically on the 91st day, under §§403 & 528 BNSS,2023 [Corresponding to §§362 & 482 CrPC, 1973] without any further reference to this Court. However, it shall be permissible to seek extension of time from the trial Court concerned, which shall be competent to extend the time.

45. This Court earnestly believes that the District Judiciary, while adjudicating the applications for the release of vehicles which are not required to be confiscated under any Statute or Judicial Orders, shall not reject the applications in a mechanical manner. Needless to say, while allowing the application for release, it shall be open to refer to this order.

46. CRM-14893-2026 is allowed in terms mentioned above.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

Date: May 29, 2026
Anju rani

Whether speaking/reasoned	YES
Whether reportable	YES