



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 8054/2024
URN: CRLMP / 16534U / 2024

Manish Kumar S/o Narendra Kumar, aged about 33 Years, R/o
Chhan, P.S. Dug, Dist. Jhalawar (Raj.)

-----Petitioner

Versus

State of Rajasthan, through P.P.

-----Respondent



For Petitioner(s) : Mr.Ali Mohammed Khan
For Respondent(s) : Mr.S.S. Naruka, AAG assisted by
Ms.Ritika Naruka &
Mr.Jitendra Takar
Mr.Manvendra Singh Shekhawat, PP

JUSTICE ANOOP KUMAR DHAND

Order

15/07/2026

1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned order dated 19.11.2024, passed by the Court of Special Judge (NDPS Cases) and Additional Sessions Judge, Bhawanimandi, District Jhalawar, by which the application submitted by the petitioner under Section 497 BNSS, 2023 (Section 451 Cr.P.C.), seeking *supurdagi* of the vehicle i.e. Maruti Suzuki Swift ZXI BS VI bearing Chasis No.MBHCZCB3SPBB79688 and Engine No.K12NP1372761, has been rejected.
2. Learned counsel for the petitioner submits that petitioner is the original owner/registered owner of the aforesaid seized vehicle. Counsel submits that the said vehicle has been seized by the Police in connection with the F.I.R. No. 96/2023, registered



against the accused persons for the offences under Sections 8, 18 & 29 of the NDPS Act at the Police Station Dug, District Jhalawar, wherein charge-sheet has also been submitted against the co-accused persons. Counsel further submits that the petitioner is not an accused in the aforesaid case and he has no concern whatsoever with the alleged incident. Counsel submits that during the course of trial, in case, the subject vehicle is not released on *supurdagi* and continues to remain seized with the Police, then it would certainly deteriorate and its value would also depreciate. Hence, under these circumstances, the petitioner is entitled to get the custody of the same.

3. Learned Public Prosecutor opposed the prayer raised by counsel for the petitioner.

4. On the earlier occasion, when the matter was listed before this Court on 25.05.2026, this fact was brought into notice of the Court that though the vehicle in question was purchased by the petitioner, but the same has not been registered by the Transport Authority, hence, under these circumstances, the vehicle in question was not released on *supurdagi* in favour of the petitioner.

5. On directions issued by this Court, Mr.S.S. Naruka, AAG appearing on behalf of the Department of Transport, apprised this Court that the vehicle in question was purchased by the petitioner on 05.04.2023 and a temporary registration No.RJ20 TC 0261 was assigned to the vehicle in question with the condition that the petitioner would get the aforesaid vehicle registered at the Office of the District Transport Officer, Kota, within a period of 30 days. The said period of 30 days has expired, and the vehicle has not been registered by the petitioner. Counsel submits that a





procedure has been provided under the Motor Vehicle Act to deal with such like situation, where delay has been caused by the purchaser/owner of the vehicle, therefore, appropriate directions be issued.

6. Heard and considered the submissions made at Bar and perused the material available on record.

7. Considering the argument put forward by rival sides and perusing the record, it reveals that the vehicle in question has been seized in connection with the impugned F.I.R. for the offences under Sections 8, 18 & 29 of the NDPS Act and thereafter, charge-sheet has also been submitted against the co-accused. The petitioner is not an accused in the instant matter and the role and involvement of the petitioner has not been found to be proved by the Investigating Officer. He is claiming the custody of the vehicle on the basis of the fact that he purchased the subject vehicle. However, his prayer for release of the aforesaid vehicle on *supurdagi* has been rejected by the Court below on the technical count that he is not a registered owner of the said vehicle.

8. Under Indian Law, it is illegal to drive a vehicle on public roads without valid registration. Section 39 of the Motor Vehicles Act, 1988 mandates that no owner or driver shall operate an unregistered motor vehicle in any public place. Vehicle registration is the legal process through which a vehicle is formally recorded in the government's database/records. It gives the vehicle a unique registration number and it links the name and address of the vehicle owner. This process ensures that the vehicle meet all road





safety, tax and environment norms before it is legally allowed to be used on public roads.

9. So far as the question of release of the vehicle, seized in connection with the offences punishable under the NDPS Act, is concerned, the law is well-settled in this regard by the Hon'ble Apex Court in the case of **Bishwajit Dey Vs. State of Assam** reported in **(2025) 3 SCC 241**, wherein the Hon'ble Apex Court has broadly framed four scenarios/circumstances, under which the cases involving the release of vehicle on *Supurdagi*, seized under the provisions of the NDPS, are required to be dealt with.

10. All four scenarios/circumstances, as dealt with by the Hon'ble Apex Court in para Nos. 29 & 30, in the case of **Bishwajit Dey** (supra), are reproduced as under, for ready reference:-

"29. Though seizure of drugs/substances from conveyances can take place in a number of situations, yet broadly speaking there are four scenarios in which the drug or substance is seized from a conveyance. Firstly, where the owner of the vehicle is the person from whom the possession of contraband drugs/substance is recovered. Secondly, where the contraband is recovered from the possession of the agent of the owner i.e. like driver or cleaner hired by the owner. Thirdly, where the vehicle has been stolen by the accused and contraband is recovered from such stolen vehicle. Fourthly, where the contraband is seized / recovered from a third-party occupant (with or without consideration) of the vehicle without any allegation by the police that the contraband was stored and transported in the vehicle with the owner's knowledge and connivance. In the first two scenarios, the owner of the vehicle and/or his agent would necessarily be arrayed as an accused. In the third and fourth scenario, the owner of the vehicle and/or his agent would not be arrayed as an accused.

30. This Court is of the view that criminal law has not to be applied in a vacuum but to the facts of each case. Consequently, it is only in the first two scenarios that the vehicle may not be released on





superdari till reverse burden of proof is discharged by the accused-owner. However, in the third and fourth scenarios, where no allegation has been made in the charge-sheet against the owner and/or his agent, the vehicle should normally be released in the interim on superdari subject to the owner furnishing a bond that he would produce the vehicle as and when directed by the Court and/or he would pay the value of the vehicle as determined by the Court on the date of the release, if the Court is finally of the opinion that the vehicle needs to be confiscated."



11. Looking to the fact that the instant case of the petitioner falls under the third and fourth scenarios, as the petitioner has not been charge-sheeted in the instant case and has not been found to be an accused, hence, under these circumstances, he is entitled to get *supurdagi* of the vehicle.

12. Accordingly, the order impugned dated 19.11.2024 passed by the Court of Special Judge (NDPS Cases) and Additional Sessions Judge, Bhawanimandi, District Jhalawar stands quashed and set-aside. The vehicle in question is ordered to be released on *supurdagi* in favour of the petitioner on the following conditions:-

(a) That he will get the vehicle registered from the District Transport Officer, Kota within a period of 30 days from today by producing the same before the Authorities concerned. Till then, the petitioner is restrained to ply the vehicle on road and he will take the vehicle to the DTO Office, Kota for its registration and would ply the subject vehicle, only after it is registered with the District Transport Officer, Kota, in accordance with law. In case, the petitioner fails to get the subject vehicle registered from the concerned Authority, he would not ply the same on the roads.

(b) That the petitioner shall keep the vehicle so released intact and shall not change its identification.



(c) That the petitioner shall produce the vehicle as and when trial court requires the same for proposed identification of the case properly.

(d) That the petitioner shall furnish the photographs of the vehicle in question showing its number and colour, etc.

(e) At the time of release, the petitioner shall also give an undertaking to the effect that the vehicle in question shall not be used for any illegal purpose and if so found, the petitioner shall be personally liable.

(f) That the petitioner shall execute a *Supurdaginama*/indemnity bond and shall also furnish two surety bonds to the satisfaction of the Trial Court."

13. Needless to observe that the District Transport Officer, Kota will make all possible endeavours to pass a reasoned & speaking order in accordance with law, for the purpose of registration of the subject vehicle of the petitioner.

14. With the aforesaid observations and directions, the present criminal misc. petition stands allowed. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

45/Aayush Sharma