



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Miscellaneous (Petition) No. 3609/2026
CNR: RJHC010434882026 | URN: CRLMP / 6475U / 2026

M/s. Shriram Enterprises, Through Proprietor Ramchandra S/o Shri Sukha Ram, Aged 50 Years, Address Nimbi Jodha, Nagaur Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. ShO, Police Station Sadar Nagaur, District Nagaur

-----Respondents

For Petitioner(s) : Mr. Aziz Khan
Ms. Sonu Singh Rathore
For Respondent(s) : Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

Date of conclusion of arguments	09.07.2026
Date on which judgment was reserved	09.07.2026
Whether the full judgment or only operative part is pronounced	Full
Date of pronouncement	21.08.2026

1. The present misc. petition has been preferred with the prayer for release of vehicle of the petitioner seized by respondent under Section 207 of Motor Vehicles Act in view of order dated 21.04.2026 passed by learned Judicial Magistrate.
2. It is contended by learned counsel for the petitioner that his Dumper, bearing Regn. No.RJ21GE-3993, was seized by the police under the provisions of Motor Vehicle Act.



3. A complaint was filed before learned Magistrate under Sections 3/181, 39/192, 146/96 of MV Act. The same was decided vide order dated 21.04.2026. Driver Togaram pleaded guilty, however, he was released by giving benefit under the Probation of Offenders Act. It was further directed that if the vehicle No.RJ21GE-3993 was not required in any other case, then the Police Authorities may release the same to Togaram.

4. It is alleged that despite order of learned Magistrate to hand-over the Dumper in-question, the Police Authorities are not handing-over the Dumper on the ground that the proceedings before the Mining Department are pending. In view of the same, the present misc. petition has been filed to direct the Police Authorities to release petitioner's vehicle in compliance of the order dated 21.04.2026.

5. Learned Public Prosecutor stated that the vehicle of the petitioner was found involved in transporting illegal mineral, hence, it was seized and since confiscation proceedings are pending before Mining Authorities, the vehicle cannot be released.

6. Heard learned counsel for the parties.

7. This Court while considering release of vehicle seized by the Police Authorities under MV Act or by the Mining Authorities or in which criminal prosecution has been launched, has passed a detailed order while considering the provisions of law in the case of **Phusaram Vs. State of Rajasthan (S.B. Criminal Misc. Petition No.3920/2026, decided on 21.08.2026)**, which has been pronounced today itself. The basic controversy involved in the matter regarding seizing of the vehicle as well as release of



vehicles seized under the MV Act has been answered in the said judgment passed by this Court. Hence, the same would be governed by the ratio laid down in the said judgment.

8. In the present case, this Court finds that although the driver/person Incharge of the Dumper from whom the vehicle was seized, has been released on probation by the learned trial court, however, the said proceedings were initiated under MV Act for punishment of the offences committed therein.

9. The confiscation proceedings initiated by the Mining Department and criminal proceedings are separate proceedings, which have been considered in detail in the case of **Phusaram** (supra). In view of the same, even if the criminal case is concluded, the same does not automatically result in release of the vehicle seized therein, as both criminal proceedings under MMDR Act or under MV Act as well as confiscation proceedings are separate.

10. Further, the learned Magistrate vide order dated 21.4.2026 has ordered conditional release of vehicle, subject to the vehicle being not required in any other case. Herein as stated by the learned Public Prosecutor, the vehicle was involved in illegal mining and proceedings are pending, however, details of proceedings does not find mention in the order of the learned Magistrate. It seems that since the Magistrate was only dealing with the complaint under the MV Act, report from the Mining Department was not called and hence the order of release of vehicle is conditional.



11. In such circumstance, this Court finds that so far as the release of the vehicle of the petitioner is concerned, the same is certainly subject to the confiscation proceedings undertaken by the Mining Department and the orders regarding the same can be passed by the learned Magistrate only after considering the report of the Mining Department. The record does not disclose any such application to have been considered by the learned Magistrate. The proceedings decided by the learned Magistrate is the Complaint filed under the provisions of MV Act, in which, the driver was found guilty.

12. In view of the same, the petitioner is hereby given liberty to file fresh application under Section 503 BNSS before the learned Magistrate and the learned Magistrate shall consider the same afresh, after seeking report from the Mining Department, and in light of the judgment passed by this Court in **Phusaram** (supra).

13. Accordingly, this misc. petition stands disposed of.

14. Stay application and all pending applications, if any, stands disposed of accordingly.

(BALJINDER SINGH SANDHU),J

288/Sanjay Tanwar