



2026:AHC:198323

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 12711 of 2026

Mohammad Jalaluddin

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Raj Kumar, Satendra Kumar, Vijay Kumar Dubey
Counsel for Respondent(s)	: G.A.

A.F.R.

Judgment Reserved On:- 10.09.2026

Judgment Delivered On:- 22.09.2026

Court No. - 73

HON'BLE SANDEEP JAIN, J.

1. The instant writ petition under Article 226 of the Constitution of India has been filed by the petitioner for the following reliefs:-

“(i) Issue a writ order or direction in the nature of certiorari quashing the impugned order dated 27.4.2026(passed by respondent No. 2) and order dated 30.6.2025 (passed by respondent No. 3) in Case Crime No. 259 of 2025 under Section 3/5-A/8 of the Uttar Pradesh Prevention of Cow Slaughter Act, 1955 and Section 4/25 Arms Act, Police Station Khalilabad, District Santkabir Nagar(A nnexure No. 4 and 6 to this writ petition).

(ii) Issue a writ order or direction in the nature of mandamus commanding the respondent authorities to release the vehicle number UP-53-LT-1687 bearing Chassis number MD2B18BX2SWL02267 which relates to the aforesaid case, in the favour of the petitioner.

(iii) Issue such other and further writ order or direction as this Hon'ble Court may deem, fit and proper under the facts and circumstances of the case protecting the interest of the petitioner.”

2. Factual matrix is that the petitioner is the registered owner of the Bajaj Auto vehicle number UP-53-LT-1687 which was apprehended by the police personnel of police Station Khalilabad, District Santkabir Nagar, on the information of an informer that it was being used for illegal activities on 29.03.2025. The vehicle was stopped by the police personnel

and searched then it was found to be transporting beef which was contained in 4 plastic sacks. At that time 2 persons namely Jallaluddin(petitioner) and Faiyyaz were also apprehended, who were travelling with the above beef in the above vehicle, who told the police personnel that they used to bring the beef from Babbu, resident of Turkmanpur, Gorakhpur and Rashid resident of Rahmat Nagar Gorakhpur and sell it in Khalilabad. The above persons failed to produce any authorization which permitted them to transport the above beef. The above beef was weighed on a balance then it was found to be about 20 Kilogram in each sack, in all about 80 Kilogram beef was recovered, which was sent to the Veterinary Officer, Khalilabad for examination. Besides this, a knife each was also recovered from the above persons Jallaluddin and Faiyyaz. Consequently, for the above illegal recovery of beef and 2 knives, FIR was registered on 29.3.2025 being Case crime No. 259 of 2025 under Sections 3/5-A/8 of the Uttar Pradesh Prevention of Cow Slaughter Act, 1955(hereinafter referred to as Act of 1955) and Section 4/25 of the Arms Act, 1959 at police Station Khalilabad, District Santkabir Nagar against Jallaluddin, Faiyyaz, Babbu and Rashid.

3. A show cause notice was given to the petitioner, who was the owner of the above Bajaj auto vehicle number UP-53-LT-1687, by the District Magistrate Santkabir Nagar for confiscating the vehicle under Section 5-A(7) of the Act of 1955 on 28.5.2025. The petitioner submitted his reply alleging that he was innocent and he has already been enlarged on bail by the District Judge on 18.4.2025. The petitioner accepted that he was the owner of the above vehicle, which was newly purchased and was fraudulently seized by the police. The petitioner stated that his vehicle will get damaged if it remains in the police station hence it be released in his favour.

4. The District Magistrate Santkabir Nagar by impugned order dated 30.6.2025 concluded that the petitioners vehicle was being used for transporting 20 Kilogram of beef in each of the 4 sacks from Gorakhpur for selling it in Khalilabad, in contravention of the provisions of the Act of 1955, hence the vehicle was confiscated in favour of the State government in exercise of powers vested under the Act of 1955, which was challenged by the petitioner by filing revision under Section 5-A(8) before the Commissioner, Basti Division, Basti which has also been dismissed by impugned order dated 27.4.2026. The revisional authority has affirmed the conclusion of the District Magistrate and has further directed that the petitioner can get his vehicle released by depositing its market value. Both the above orders have been impugned by the petitioner in the instant writ petition.

5. Learned counsel for the petitioner submitted that the petitioner is the owner of Bajaj auto vehicle number UP-53-LT-1687, which was newly purchased on 18.3.2025 by the petitioner for earning his livelihood by carrying passengers on fare. He submitted that there is no credible proof that the above vehicle was being used for transporting 80 Kilogram beef

on 29.3.2025. He submitted that on the date of alleged incident 3 passengers were travelling in the vehicle, who took the petitioners vehicle on hire. The petitioner has got no concern with the alleged meat, who was not present in the vehicle at that time and his vehicle has been falsely implicated by the police for ulterior motive. He submitted that the petitioner had employed a driver for driving the vehicle. Learned counsel submitted that even if any beef has been recovered from the petitioners vehicle, then it was being transported without his permission, consent and authority in an illegal manner by the persons travelling in the vehicle, for which, the petitioners vehicle cannot be confiscated. He submitted that the petitioner is not having any mens-rea or collusion with the passengers for the alleged transportation of beef in his vehicle, hence the petitioners vehicle cannot be confiscated under the Act of 1955. Learned counsel submitted that the State has exercised its power conferred under the Act of 1955 in an arbitrary and illegal manner. With these submissions, it was prayed that the impugned orders of the authorities below be quashed and the petitioners vehicle be ordered to be released with damages.

6. Per contra, learned AGA on behalf of the respondents submitted that the vehicle of the petitioner was seized on 29.3.2025 carrying 80 Kilogram beef in 4 sacks. The petitioner along with Faiyyaz were arrested on the spot by the concerned police personnel. He submitted that under the Act of 1955 beef cannot be transported in a vehicle in contravention of the provisions of the Act of 1955. He further submitted that the seized meat was duly sent to the forensic science laboratory for analysis and it was found to be beef, whose sale and transportation is prohibited under the Act of 1955.

7. Learned counsel further submitted that since the petitioner was apprehended on the spot by the police, hence it is not permissible for him to contend that he was not aware of the above transportation of beef in his vehicle or he was not having any collusion/connivance with the passengers of the vehicle. Learned counsel submitted that the petitioner was fully aware that he was transporting beef in his vehicle, which is illegal and hence the authorities below have duly confiscated the vehicle of the petitioner in exercise of power vested under the Act of 1955, which does not warrant any interference by this Court in exercise of its extraordinary writ jurisdiction under Article 226 of the Constitution of India.

8. Learned counsel further submitted that if beef is found to be transported in a vehicle then in accordance with Section 5-A(10) of the Act of 1955, there is a presumption that such person has committed the offence under the Act unless the contrary is proved. Learned counsel submitted that the petitioner has failed to rebut the above presumption by leading cogent evidence.

9. I have heard the learned counsel of both the sides and perused the record.

10. For appreciating the controversy at hand, the provisions of Section 3, 5 and 5-A of the Act of 1955, are being reproduced as under:-

“3. Prohibition of Cow Slaughter.—No person shall slaughter or cause to be slaughtered, or offer or cause to be offered for slaughter, a cow, bull or bullock in any place in Uttar Pradesh, anything contained in any other law for the time being in force or any usage or custom, to the contrary notwithstanding.

5. Prohibition on sale of beef.—Except as herein excepted and notwithstanding anything contained in any other law for the time being in force, no person shall sell or transport or offer for sale or transport or cause to be sold or transported beef or beef-products in any form except for such medicinal purposes as may be prescribed.

Exception.—A person may sell and serve or cause to be sold and served beef or beef-products for consumption by a bona fide passenger in an aircraft or railway train.

5-A. Regulation on transport of cow, etc.—(1) No person shall transport or offer for transport or cause to be transported any cow, or bull or bullock, the slaughter whereof in any place in Uttar Pradesh is punishable under this Act, from any place within the State to any place outside the State, except under a permit issued by an officer authorised by the State Government in this behalf by notified order and except in accordance with the terms and conditions of such permit.

(2) Such officer shall issue the permit on payment of such fee not exceeding [five hundred rupees] for every cow, bull or bullock as may be prescribed:

Provided that no fee shall be chargeable where the permit is for transport of the cow, bull or bullock for a limited period not exceeding six months as may be specified in the permit.

(3) Where the person transporting a cow, bull or bullock on a permit for a limited period does not bring back such cow, bull or bullock into the State within the period specified in the permit, he shall be deemed to have contravened the provision of sub-section (1).

(4) The form of permit, the form of application therefore and the procedure for disposal of such application shall be such as may be prescribed.

(5) The State Government or any officer authorised by it in this behalf by general or special notified order, may, at any time, for the purpose of satisfying itself, or

himself, as to the legality or propriety of the action taken under this section, called for and examine the record of any case and pass such orders thereon as it or he may deem fit.

(6) Where the said conveyance has been confirmed to be related to beef by the competent authority or authorized laboratory under this Act, the driver, operator and owner related to transport, shall be charged with the offence under this Act, unless it is not proved that the transport medium used in crime, despite all its precautions and without its knowledge, has been used by some other person for causing the offence.

(7) The vehicle by which the beef or cow and its progeny is transported in violation of the provisions of this Act and the relevant rules, shall be confiscated and seized by the law enforcement officers. The concerned District Magistrate/Commissioner of Police will do all proceedings of confiscation and release, as the case may be.

(8) The cow and its progeny or the beef transported by the seized vehicle shall also be confiscated and seized by the law enforcement officers. The concerned District Magistrate/Commissioner will do all proceedings of the confiscation and release, as the case may be.

(9) The expenditure on the maintenance of the seized cows and its progeny shall be recovered from the accused for a period of one year or till the release of the cow and its progeny in favour of the owner thereof whichever is earlier.

(10) Where a person is prosecuted for committing, abetting, or attempting to an offence under Sections 3, 5 and 8 of this Act and the beef or cow-remains in the possession of accused has been proved by the prosecution and transported things are confirmed to be beef by the competent authority or authorized laboratory, then the court shall presume that such person has committed such offence or attempt or abetment of such offence, as the case may be, unless the contrary is proved.

(11) Where the provisions of this Act or the related rules in context of search, acquisition, disposal and seizure are silent, the relevant provisions of the Code of Criminal Procedure, 1973 shall be effective thereto.”

11. It is apparent from Section 3 of the Act of 1955 that there is absolute prohibition of slaughtering any cow, bull or bullock in any place in the State of Uttar Pradesh. As per Section 5 of the Act of 1955, no person is

permitted to sell or transport or offer for sale beef or beef products in any form except for such medicinal purposes as may be prescribed. It is apparent that beef or beef products are not prohibited to be sold or served for consumption to a bonafide passenger travelling in an aircraft or railway train.

12. It is further apparent from Section 5-A(6) of the Act of 1955 that where it is confirmed by the authorised laboratory that beef was being indeed transported in a vehicle then its driver, operator and owner, shall be charged with the offence under this Act unless it is proved that the vehicle used in crime, despite all its precautions and without its knowledge, has been used by some other person for causing the offence. It is further apparent from Section 5-A(10) of the Act of 1955 that if a person is prosecuted for committing, abetting or attempting to commit an offence under Section 3, 5 and 8 of this Act and transported things are confirmed to be beef by the authorised laboratory, then the Court shall presume that such person has committed such offence or attempt or abetment of such offence, unless the contrary is proved.

13. It is apparent from the case diary of Case crime No. 259 of 2025 that the petitioner was himself travelling in his vehicle along with Faiyyaz on 29.3.2025 when the vehicle was found to be transporting about 80 kg of beef and it was seized by the police personnel of police station Khalilabad, District Santkabir Nagar. The petitioner has submitted in his rejoinder affidavit that the beef was recovered from the joint possession of 3 passengers, who took his vehicle on hire, but no evidence has been adduced by the petitioner to prove the above fact. The petitioner could have examined the above passengers to prove that the petitioner was not present in the vehicle and he was having no knowledge about the beef, but no such evidence has been adduced by the petitioner.

14. It is further evident from the case diary that a sample from the recovered meat was sent for analysis to the forensic science laboratory and in its report it has been found that the recovered meat was beef. In these circumstances, the presumption mentioned in Section 5-A(10) of the Act of 1955 is duly attracted against the petitioner. The petitioner has not led any evidence to rebut that presumption that he was not having any knowledge of it.

15. It is further apparent from Section 5-A(6) of the Act of 1955 that the driver, operator and owner of the vehicle are to be charged for the offence under this Act if it is proved that beef was being transported in such vehicle unless it is proved that the above persons were not having any knowledge of it and the vehicle was being used by some other person for causing the offence.

16. The case diary and the FIR duly records that the petitioner was present in the vehicle when it was seized by the police for carrying 80 kgs. of beef, hence the submission of the petitioner cannot be accepted that he was not aware of such transportation and he was not in

collusion/connivance with the persons transporting the above beef, who were travelling in his vehicle. The petitioner could have very well examined those persons to prove that they were allegedly transporting the beef in his vehicle, without his knowledge, but the petitioner has not examined those persons. No other evidence has been led by the petitioner to prove his innocence in this matter. Since 80 kilograms of beef has been found in the vehicle of the petitioner, there is a legal presumption against him that he has slaughtered the cow for obtaining its meat, which the petitioner has not been able to rebut by leading cogent evidence to the contrary.

17. In view of the above facts, the authorities below have not erred in ordering confiscation of the vehicle of the petitioner, which was found to be carrying 80 kilograms of beef, in consonance with the provisions of the Act of 1955.

18. For the reasons mentioned aforesaid, there is no merit in the writ petition and is liable to be dismissed.

19. Accordingly, the instant writ petition is hereby ***dismissed***. Consequently, the impugned orders dated 30.6.2025 and 27.4.2026 of the respondent no. 3 and 2 respectively, are affirmed.

(Sandeep Jain,J.)

September 22, 2026

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