

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



S.B. Criminal Miscellaneous (Petition) No. 4502/2025

Lokesh Kumar Meena Son of Shri Magan Lal Meena, Resident of
Aagadi, District Karauli (Rajasthan).

-----Petitioner

Versus

State Of Rajasthan, Through P.P

-----Respondent

For Petitioner(s)	:	Mr. Rajneesh Gupta with Mr. Hernab Saraswat Ms. Chanchal Sharma Mr. Uttkarsh Goyal Mr. Rahul Sharma Ms. Apoorv
For Respondent(s)	:	Mr. Amit Punia-PP

JUSTICE ANOOP KUMAR DHAND

Order

28/11/2025

1. By way of filing the present criminal misc. petition, a challenge has been made to the impugned order dated 20.06.2025 passed by the Court of learned Special Judge (NDPS) case, Jaipur Metro-I by which the application submitted by the petitioner under Section 497 BNSS for release of the vehicle bearing No. RJ-34-CA-7561 has been rejected.

2. Counsel for the petitioner submits that the FIR No. 132/2025 was registered with the Police Station Kanota, Jaipur City (East) for the offences under Section 8/21 of the NDPS Act against the co-accused persons wherein certain contraband was recovered and the vehicle in question was seized. Counsel submits that the



petitioner is the registered owner of the said vehicle and the petitioner has no concern whatsoever with the alleged incident. Counsel submits that the petitioner has not been implicated as an accused in the aforesaid FIR. Counsel submits that under these circumstances, an application was submitted by the petitioner seeking *Supurdagi* of the vehicle before the Court below but the same has been rejected on a technical count that the investigation is pending and the charge-sheet has not been submitted. Counsel submits that the investigation may take its time but in the meantime, the vehicle which is lying at the police station would get damaged and spoilt if not released on interim *Supurdagi*, hence interference of this Court is warranted.

3. Learned Public Prosecutor opposes the prayer made by counsel for the petitioner and submits that still the matter is at investigation stage and the charge-sheet has not been submitted, hence the trial Court has not committed any error in rejecting the application submitted by the petitioner, hence this criminal misc. petition is liable to be rejected.

4. This Court vide order dated 04.08.2025, instructed the learned Public Prosecutor to produce the status of the investigation of the impugned FIR.

5. Pursuant to the aforesaid direction, a detailed factual report of the investigation conducted by the Officer has been furnished by the SHO, Police Station Transport Nagar, Jaipur (North). It has been apprised at the Bar that the investigation of the present FIR No. 132/2025 registered with the Police Station Kanota has been handed over to the SHO Police Station, Transport Nagar, Jaipur.

6. The factual report so furnished by the Investigating Officer indicates that the involvement of the petitioner was not found to be proved during the course of investigation.

7. The factual report furnished by the Investigating Officer is ordered to be taken on record.

8. Considering the arguments raised by counsel for the petitioner and looking to the factual report of the investigation so furnished by the SHO Police Station, Transport Nagar which clearly reflects that the involvement of the petitioner has not been found to be proved and the petitioner has not been implicated as an accused.

9. Now the question which remains for consideration before this Court is whether under these circumstances, the vehicle seized under the provisions of the NDPS Act can be released on interim *Supurdagi* or not?

10. The Hon'ble Apex Court in the case of **Bishwajit Dey Vs. State of Assam** while deciding the Criminal Appeal No. 87/2025 on 07.01.2025 has dealt with the issue involved in the instant petition and has held that there are broadly 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.

11. All four scenarios/circumstances, have been dealt by the Hon'ble Apex Court in para 29 and 30 which reads as under:-

"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 vehi-

cle 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."

12. Looking to the fact that the instant case of the petitioner is falling under the 4th scenario as the petitioner has not been named in the impugned FIR and has not found to be an accused hence, under these circumstances, he is entitled to get *Supurdagi* of the vehicle in following conditions:-

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

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

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

d) 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.

e) That the petitioner shall execute a *Supurdaginama*/ indemnity bond and shall also furnish two surety-bonds to the satisfaction of the trial court."

13. The present criminal misc. petition stands allowed. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J