

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

S.B. Criminal Miscellaneous (Petition) No.  
2742/2022

Ayush S/o Kailash Rathore, R/o Burankhedi P.s  
Ramganjmandi The. Ramganjmandi Distic Kota  
(Raj), Registered Owner Of Vehicle No. Rj 33-Sg-  
7333.

-----Petitioner

Versus

State Of Rajasthan, Through P.p.

-----Respondent

For Petitioner(s) : Mr. Jitendra Jain

For : Mr. Prashant Sharma, PP  
Respondent(s)

**HON'BLE MR. JUSTICE UMA SHANKER VYAS**

**Order**

**15/11/2022**

The present petition has been filed under  
Section 482 Cr.P.C. praying that the order dated  
05.02.2022 passed by Additional Sessions Judge,  
Ramganjmandi, District Kota (Rural) be set aside,  
whereby the said court refused to release Motorcycle  
bearing registration No. RJ-33-SG-7333 to the  
petitioner.

The learned counsel for the petitioner has  
contended that petitioner is a registered owner of the  
vehicle in question.

The learned counsel for the petitioner has stated at Bar that no confiscation proceedings are pending qua the vehicle and the same is case property of case FIR No.525/2021 registered at Police Station Ramganjmandi, District Kota (Rural) for the offence under Sections 8/20 of NDPS Act.

I have heard the learned counsel for the parties.

The learned counsel for the petitioner has relied upon ***Sunderbhai Ambalal Desai vs. State of Gujarat, (2002) 10SCC 283***, to contend that the Supreme court has held that the vehicle should not be permitted to remain parked in the police station as same shall gather rust and shall not remain useful.

Relying upon the judgment of the Supreme Court in the case of ***Sunderbhai Ambalal Desai (supra)***, present petition is allowed and the trial court is directed to release the vehicle seized as case property by imposing following conditions:-

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

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

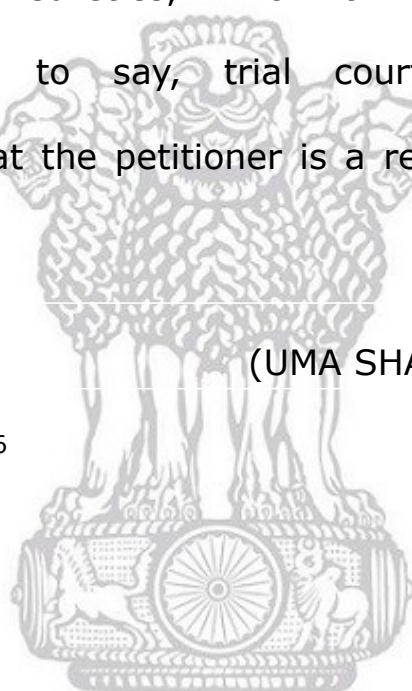
c) That the petitioner shall execute Supurdaginama/indemnity bond and bonds by two sureties to the satisfaction of the trial court.

d) The trial court is empowered to impose any or other conditions in the Supurdaginama/indemnity bond and surety bonds to be furnished by the petitioner and sureties, which it may deem fit.

Needless to say, trial court shall make verification that the petitioner is a registered owner of the vehicle.

(UMA SHANKER VYAS),J

GAURAV SHARMA /06



सत्यमेव जयते