

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18745 of 2016**

Arising Out of PS. Case No.-445 Year-2015 Thana- MOTIHARI TOWN District- East
Champanan

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Md. Hakim Khan @ Hakim Khan @ Md. Hatim Khan Son of Late Basir
Ahmad @ Late Basir Ahmad Khan, Residents of Village- Bathna, P.S.-
Kesariya, District- East Champanan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar , APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
CAV JUDGMENT**

Date : 23-08-2024

The present petition under Section 482 Cr.PC has been preferred against the impugned order dated 29.09.2015 passed by learned Sessions Judge-cum-Special NDPS Court, Motihari in NDPS Case No. 32 of 2015 whereby learned Court below has rejected the application of the petitioner for releasing the Motorcycle bearing Registration No. BR-22E-4163 seized in Motihari (Town) P.S. Case No. 445 of 2015, corresponding to G.R. No. 3330 of 2015 registered for the offence punishable under Sections 20 and 22 NDPS Act read with Section 120B of the Indian Penal Code against the petitioner and co-accused Md. Akhtar.

2. As per the prosecution case, 1 kg. Ganja has been recovered from the dicky of motorcycle in question belonging



to the petitioner. The case is still at the stage of investigation. The aforesaid application of the petitioner was opposed by the police submitting that the vehicle in question is liable to confiscation under **Section 60 of the NDPS Act**. Learned Court below accepting the submission of the police, rejected the aforesaid application of the petitioner holding as follows:-

“Considering the aforesaid facts and circumstances of the case and basically considering the provision as mentioned in Section 60(1) of NDPS Act, I am not inclined to allow this petition for release of seized motorcycle.

It is, therefore, ordered that the petition for release of seized motorcycle filed on behalf of the petitioner, Md. Hakim Khan is rejected.”

3. As per the counter affidavit filed by the police, it has been stated that the case is still at the stage of investigation. However, the case against the petitioner is found to be true. But for want of arrest of the petitioner, charge-sheet has not been submitted.

4. I heard learned counsel for the petitioner and learned APP for the State.

5. Learned counsel for the petitioner submits that learned NDPS Special Court has failed to appreciate the law regarding release of the vehicle to interim custody of the owner of the vehicle allegedly involved in NDPS Case. The release of



the vehicle during pendency of the investigation, inquiry or trial has nothing to do with the veracity of the case against the petitioner. He also submits that liability of the vehicle to confiscation is also no bar to release of the vehicle to interim custody of rightful owner till conclusion of the investigation, inquiry or trial, because, otherwise, the vehicle would turn into scrap which would be in the interest of none. It would be sheer wastage of the national resources. Conditions could be imposed for such release to ensure that vehicle is produced before the Court whenever it is required during investigation, inquiry or trial. But the rejection of the application for releasing the vehicle to interim custody of the owner/petitioner is no way legally sustainable.

6. *Per contra*, Ld. APP for the State defends the impugned order submitting that the vehicle which is involved in commission of the alleged offence under the NDPS Act is liable to confiscation under **Section 60 of the NDPS Act** and hence, cannot be released even to the *bona fide* owner of the vehicle. He also submits that there is no provision under the NDPS Act to release the vehicle to interim custody. **Section 451 or Section 457 of the Cr.PC** cannot be applied to proceeding before Special Court established under the NDPS Act.



7. In view of the aforesaid facts and circumstances the following questions of law arise for consideration by this Court:

(i) Whether the provision for confiscation of the vehicle under **Sections 60 and 63 of the NDPS Act** can be a ground for refusal to release the vehicle to interim custody of the rightful owner during investigation, inquiry, trial or confiscation proceeding?

(ii) Whether Special Court established under NDPS Act has jurisdiction to pass interim order to release vehicle to interim custody of the rightful owner during pendency of the investigation, inquiry, trial or confiscation proceeding and if the Special Court has such jurisdiction, what are considerations for passing such interim order?

8. Coming to the statutory provisions, I find that **Sub-Sections 1 and 2 of Section 60 of the NDPS Act** deal with liability of illicit drugs, substances, plants, materials, apparatus, utensils in respect of which or by means of which such offence has been committed under the NDPS Act, are liable to confiscation. However, **Sub-Section-3 of Section 60** provides that any animal or conveyance used in carrying any narcotic drug or psychotropic substance or any article liable to



confiscation under **Sub-Section 1 or Sub-Section 2** shall be liable to confiscation unless the owner of the animal or conveyance proves that it was so used without the knowledge or connivance of the owner himself, his agent, if any and the person-in-charge of the animal or conveyance and that each of them had taken all reasonable precautions against such use. In other words, if the owner of the vehicle/conveyance proves that his vehicle was used in the commission of the offence without his knowledge or connivance and he has taken all reasonable precautions against such use, the conveyance cannot be confiscated despite it being used in the commission of the alleged offence under the NDPS Act.

9. Section 60 the NDPS Act read as follows:-

“Section 60. Liability of illicit drugs, substances, plants, articles and conveyances to confiscation-(1)

Whenever any offence punishable under this Act has been committed, the narcotic drug, psychotropic substance, controlled substance, opium poppy, coca plant, cannabis plant, materials, apparatus and utensils in respect of which or by means of which such offence has been committed, shall be liable to confiscation.

(2) Any narcotic drug or psychotropic substance or controlled substances lawfully produced, imported inter-State, exported inter-State, imported into India, transported, manufactured, possessed, used, purchased or sold along with, or in addition to, any narcotic drug or psychotropic substance or controlled substances which is liable to confiscation under sub-section (1) and the receptacles, packages and coverings in which any narcotic drug or psychotropic substance or controlled substances, materials, apparatus or utensils liable to confiscation under sub-section (1) is found, and the other contents, if any, of such receptacles or packages shall likewise be



liable to confiscation.

(3) Any animal or conveyance used in carrying any narcotic drug or psychotropic substance 2[or controlled substances], or any article liable to confiscation under sub-section (1) or sub-section (2) shall be liable to confiscation, unless the owner of the animal or conveyance proves that it was so used without the knowledge or connivance of the owner himself, his agent, if any, and the person-in-charge of the animal or conveyance and that each of them had taken all reasonable precautions against such use.”

(Emphasis supplied)

10. A detailed procedure in making confiscation has been provided in **Section 63 of the NDPS Act**. As per **Sub-Section 1 of Section 63** of the Act, irrespective of conviction, acquittal or discharge of the accused, the Special Court is required to decide whether any article or thing seized under this Act is liable to confiscation. If the court decides that the article is so liable, it may order confiscation accordingly. It implies that decision regarding confiscation of any article can be taken only by the Special Court and only after conviction, acquittal or discharge.

11. Sub-Section 2 of Section 63 of the NDPS Act provides that no order of confiscation of an article or thing shall be made until the expiry of one month from the date of seizure, or without hearing any person who may claim any right thereto and the evidence, if any, which he produces in respect of his claim. It implies that if within one month of the



seizure of an article or thing, if any body claims that he is a *bona fide* owner and he has right to possess the article or thing, the court is bound to hear him before deciding the liability of the article or thing to confiscation.

12. Section 63 of the NDPS Act reads as follows-

“Section 63. Procedure in making confiscations.—

(1) In the trial of offences under this Act, whether the accused is convicted or acquitted or discharged, the court shall decide whether any article or thing seized under this Act is liable to confiscation under section 60 or section 61 or section 62 and, if it decides that the article is so liable, it may order confiscation accordingly.

(2) Where any article or thing seized under this Act appears to be liable to confiscation under section 60 or section 61 or section 62, but the person who committed the offence in connection therewith is not known or cannot be found, the court may inquire into and decide such liability, and may order confiscation accordingly:

Provided that no order of confiscation of an article or thing shall be made until the expiry of one month from the date of seizure, or without hearing any person who may claim any right thereto and the evidence, if any, which he produces in respect of his claim:

Provided further that if any such article or thing, other than a narcotic drug, psychotropic substance, [controlled substance,] the opium poppy, coca plant or cannabis plant is liable to speedy and natural decay, or if the court is of opinion that its sale would be for the benefit of its owner, it may at any time direct it to be sold; and the provisions of this subsection shall, as nearly as may be practicable, apply to the net proceeds of the sale.”

(Emphasis supplied)

13. From the conjoint reading of Sections 60 and 63 of the NDPS Act, it emerge that it is the Special court



established under NDPS Act which decides liability of any article or thing including vehicle to confiscation and not police or any authority like Drugs Disposal Committee constituted under **Section 52A of the NDPS Act**. It also emerges that any vehicle is liable to confiscation only when its owner fails to prove that it was used in the commission of the offence without his knowledge and connivance and he had taken all precautions against such use.

14. The procedure of disposal has been provided in **Section 52A of the NDPS Act**. This Section has been inserted in 1989 providing for disposal of contraband drugs. However, in 2014, conveyance was also added in this Section.

15. Section 52A of the NDPS Act reads as follows:

“52A. Disposal of seized narcotic drugs and psychotropic substances.

(1) The Central Government may, having regard to the hazardous nature, vulnerability to theft, substitution, constraint of proper storage space or any other relevant consideration, in respect of any narcotic drugs, psychotropic substances, controlled substances or conveyances, by notification in the Official Gazette, specify such narcotic drugs, psychotropic substances, controlled substances or conveyance or class of narcotic drugs, class of psychotropic substances, class of controlled substances or conveyances, which shall, as soon as may be after their seizure, be disposed of by such officer and in such manner as that Government may, from time to time, determine after following the procedure hereinafter specified.

(2) Where any narcotic drugs, psychotropic substances, controlled substances or conveyances has been seized and forwarded to the officer-in-charge of the nearest police station or to the officer empowered under



section 53, the officer referred to in subsection (1) shall prepare an inventory of such narcotic drugs, psychotropic substances, controlled substances or conveyances containing such details relating to their description, quality, quantity, mode of packing, marks, numbers or such other identifying particulars of the narcotic drugs, psychotropic substances, controlled substances or conveyances or the packing in which they are packed, country of origin and other particulars as the officer referred to in subsection (1) may consider relevant to the identity of the narcotic drugs, psychotropic substances, controlled substances or conveyances in any proceedings under this Act and make an application, to any Magistrate for the purpose of

(a) certifying the correctness of the inventory so prepared; or

(b) taking, in the presence of such Magistrate, photographs of such drugs or substances or conveyances and certifying such photographs as true; or

(c) allowing to draw representative samples of such drugs or substances, in the presence of such Magistrate and certifying the correctness of any list of samples so drawn.

(3) Where an application is made under subsection (2), the Magistrate shall, as soon as may be, allow the application.

(4) Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872) or the Code of Criminal Procedure, 1973 (2 of 1974), every court trying an offence under this Act, shall treat the inventory, the photographs of narcotic drugs, psychotropic substances, controlled substances or conveyances and any list of samples drawn under subsection (2) and certified by the Magistrate, as primary evidence in respect of such offence.”

16. As per **Section 52 A**, Central Government is authorized to determine the procedure to dispose of contraband drugs and conveyances and accordingly, the Central Government has issued **three Standing Orders**, namely, (1) 1/88 dated 15.03.1988, (2) 2/88 dated 11.04.1988 and (3) 1/89 dated 13.06.1989 and Notifications have also



been issued by the Central Government, namely, (1) Notification dated 10.05.2007, Ministry of Finance, (2) Notification dated 26.03.2013, Ministry of Finance, (3) Notification dated 16.01.2015, Ministry of Finance.

17. However, it is relevant to note that the **Standing Order 1/89 dated 13.06.1989** has been superseded by Notification dated 10.05.2007. As such, it is no longer in operation. It is also relevant to point out that even Notification dated 10.05.2007 has been superseded by Notification dated 16.01.2015. As such, Notification dated 10.05.2007 is also no longer in operation.

18. Paragraph 1.23 of **Standing Order bearing no. 1/1988** dealing with Disposal of Remnant sample/duplicate and the drug provides as follows:-

“It is provided that at present, the remnant sample/duplicate sample and seized narcotic drugs and psychotropic substances can be disposed of after the proceedings of prosecution is over or by obtaining an order from such court under Section 110 of the Customs Act, 1962 and/or 451 of CrPC. While obtaining the order of the court under the aforesaid Section, it is necessary that specific order in respect of the remnant sample/duplicate sample is also obtained.”

(Emphasis supplied)

19. Paragraph 5.4 of **Standing Order No. 2/88 dated 11.04.1988** provides as follows:-

“The officers-in-charge of godowns will prepare a



list of all such drugs that have become ripe for disposal to the Chairman of the respective drug disposal committee. After examining that they are fit for disposal and satisfying that they are no longer required for legal proceedings and the approval of the court has been obtained for the purpose, the members of the respective drug disposal committee will endorse necessary certificates to this effect. The committee will thereafter, physically examine and verify the drug consignments with reference to the seizure report and other documents like chemical analysis, etc., including its weighment and record its finding in each case.”

(Emphasis supplied)

20. Paragraph-4 of the **Notification dated 16.01.2015**, Department of Revenue, Ministry of Finance dealing with the manner for disposal provides as follows:-

“Manner of disposal.-(1) Where any narcotic drug, psychotropic substance, controlled substance or conveyance has been seized and forwarded to the officer-in-charge of the nearest police station or to the officer empowered under section 53 of the said Act or if it is seized by such an officer himself, he shall prepare an inventory of such narcotic drugs, psychotropic substances, controlled substances or conveyances as per Annexure 1 to this notification and apply to any Magistrate under sub-section (2) of section 52A of the said Act as per Annexure 2 to this notification within thirty days from the date of receipt of chemical analysis report of seized narcotic drugs, psychotropic substances or controlled substances.”

21. From the aforesaid provisions of Standing Order bearing no. 1/88 and Standing Order 2/88, it transpires that approval of Special Court is required for disposal of contraband drugs or conveyance. However, as per Notification dated 16.01.2015, there is no such requirement for disposal of contraband drugs or conveyances. Only the prepared



inventory of the contraband drugs and conveyance is required to be certified by any Magistrate before disposal. In other words, as per the Notification dated 16.01.2015, pre-trial disposal of contraband drugs and conveyances has been provided without approval of the Special Court. However, such provision of the Notification cannot be read in isolation. It has to be read with **Sections 60 and Section 63 of the NDPS Act**. As per **Section 60(3)**, any animal or conveyance is liable to confiscation only if the owner thereof fails to prove that it was used without his knowledge or connivance and he had not taken all reasonable precautions against such use. **Sub-Section 2 of Section 63** also provides that no order of confiscation or article or thing shall be made until the expiry of one month from the date of seizure or without hearing any person who made claim any right thereto and the evidence if any which he produces in respect of his claim.

22. As such, as per conjoint reading of **Sections 60 and 63 of the NDPS Act** and the Notification dated 16.01.2015, it transpire that pre-trial disposal of conveyance/vehicles is possible under Notification dated 16.01.2015 only if no one claims right to possession and interim release of vehicle under the provision of **Section 60**



and 63 of the NDPS Act. If anybody claims for release of the vehicle, the Special Court has to hear him to decide liability of the vehicle to confiscation and if it is proved by the claimant that he has right to possess the vehicle and it has not been used in commission of the offence with his knowledge or connivance and he had taken all precautions against such use, the vehicle cannot be confiscated and disposed of by the State. This position of law is not affected even by the judgment of Hon'ble Supreme Court in **Mohan Lal v. Union of India** as reported in **(2016) 3 SCC 379** dealing with handling and disposal of seized Narcotic Drugs and Psychotropic Substance, giving directions to prevent re-circulation of seized contraband drugs into the system.

23. The aforesaid discussions clearly shows that in case of any article, thing or conveyance/vehicle is claimed by any person as provided under **Sections 60 and 63 of the NDPS Act**, the Special Court is duty bound to decide the liability of that thing, article or vehicles to confiscation and only if it is decided by the Special Court that such article, thing or vehicle is liable to confiscation, the disposal committee can dispose it by sale or otherwise.

24. It further transpires that under **Sections 60 and**



63 of the NDPS Act, there is no provision for passing any order by the Special Court for interim release of vehicles/articles during pendency of the trial or confiscation proceeding before itself. In such a situation, now question is whether Special Court has any jurisdiction to pass any order to release vehicle/article to interim custody of the rightful owner or not.

25. Here, **Sections 36C of the NDPS Act**, becomes relevant. It reads as follows-

“Section 36C. Application of Code to proceedings before a Special Court-Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) (including the provisions as to bail and bonds) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor.”

26. As per **Section 36 C**, the provisions of the CrPC is applicable if it is not inconsistent or contrary to the provisions of the NDPS Act which is a special enactment.

27. Section 5 of the CrPC also provides that the provisions of CrPC is applicable in case of special enactments only if there is such provisions in that special enactment. It reads as follows-

“Section 5. Saving- Nothing contained in



this Code shall, in the absence of a specific provision to the contrary, affect any special or local law for the time being in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law for the time being in force.”

28. In such situation, chapter-XXXIV comprising Section 451 to Section 459 of the Cr.PC, 1973, becomes applicable to the proceeding before the Special Court established under NDPS Act.

29. However, **Sections 451 and 457** of the Cr.PC are relevant for our purpose in the given facts and circumstances of the case because only these two sections, 451 and 457 deal with interim custody of property seized in a criminal case,

30. Section 451 enables Criminal Courts to pass order for interim custody or disposal of such property which has been produced before it during inquiry and trial. The Court is empowered to pass any order which it thinks fit for proper custody of such property. It reads as follows-

“Section 451. Order for custody and disposal of property pending trial in certain cases- When any property is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the Court may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

Explanation.- For the purposes of this section,"



property" includes-

(a) property of any kind or document which is produced before the Court or which is in its custody,

(b) any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence.”

31. Section 457 confers power upon the Criminal Courts to pass interim order in regard to disposal or delivery of such property which has been seized by the police officer and reported to a Magistrate, but not produced before the Criminal Court during inquiry or trial. In other words, it comes into play during the stage of investigation. After completion of the investigation, charge-sheet is submitted and the stage of inquiry starts, followed by trial.

32. For application of Section 457, the following four situations are required to be existing-(1) there must be seizure of the property, (2) the seizure must be by the police officer, (3) the seizure must have been reported to the Magistrate under the provisions of the Code and (4) such property must not have been produced before the Criminal Court during an inquiry or trial.

33. Section 457 reads as follows:

"457. Procedure by police upon seizure of property.

(1) Whenever the seizure of property by any police officer is reported to a Magistrate under the provisions of this Code, and such property is not produced before a Criminal Court during an inquiry or trial, the Magistrate



may make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or if such person cannot be ascertained, respecting the custody and production of such property.

(2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit and if such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation.”

34. It is also relevant to refer to celebrated judgment of **Sunderbhai Ambalal Desai v. State of Gujarat, [(2002) 10 SCC 283]** which is a leading case on interim release or disposal of case property. Though this judgment was passed in reference to Section 451 Cr.PC. its principles are equally applicable during the application of Section 457 Cr.PC. In this judgment, Hon’ble Apex Court has explained why prompt and expeditious order should be passed in regard to interim custody or disposal of seized property, so as to prevent wastage of national resources. Hon’ble Court has also suggested measures to be taken before release of the seized property, so that investigation, inquiry or trial do not suffer. In regard to release of seized vehicles, Hon’ble Court has held as follows:

“**17.** In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a



long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.

18. In case where the vehicle is not claimed by the accused, owner, or the insurance company or by a third person, then such vehicle may be ordered to be auctioned by the court. If the said vehicle is insured with the insurance company then the insurance company be informed by the court to take possession of the vehicle which is not claimed by the owner or a third person. If the insurance company fails to take possession, the vehicles may be sold as per the direction of the court. The court would pass such order within a period of six months from the date of production of the said vehicle before the court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.”

35. This Court in **Bhola Singh Vs. State of Bihar, [2024 SCC OnLine Pat 855, AIR ONLINE 2024 PAT 223, 2024 (1) BLJ 709, and 2024 (1) PLJR 537]**, after referring to relevant statutory provisions and case laws, has also held as follows:-

“(i) The confiscation proceedings is initiated and conducted by the special court as established under the NDPS Act,

(ii) It is the Special Court which decides the liability of an article, thing or vehicle to confiscation and such decision is taken by the Special Court after conviction, acquittal or discharge of the accused.

(iii) The provisions of the CrPC are applicable to the proceedings before Special Courts established under the NDPS Act to the extent they are not inconsistent or contrary to provisions in the NDPS Act which is a special enactment.

(iv) During pendency of the trial and confiscation proceedings, the Special Court is empowered to release an article, thing or vehicle to interim custody of the rightful



owner subject to conditions to ensure that such article, thing or vehicle are produced before the court as and when required during trial and confiscation proceedings.

(v) The provisions of confiscation in Section 60 and 63 of the NDPS Act or seriousness of the allegation levelled against the petitioner cannot be grounds for refusal to release an article, thing or vehicle to interim custody of their rightful owners.”

36. The following cases may be also referred to wherein similar view has been expressed by different High Courts -

- i. **Rathnamma Vs. State of Karnataka**
(CRL. P No. 3571 of 2021, decided on 17.06.2021 by Karnataka High Court)
- ii. **Tikeshwar Singh Vs. State of Chhattisgarh**
(2020 SCC Online Chh 2473)
- iii. **Tej Singh Vs. State of Haryana** (2020 SCC OnLine P& H 4679)
- iv. **Gurbinder Singh Vs. State of Punjab** (2017 SCC OnLine P&H 16026)
- v. **Abhijeet Kumar Vs. State of Uttarakhand** (2019 SCC OnLine Utt 265)
- vi. **Waish Ahmed Vs. The State of West Bengal**
(MANU/WB/0073/2019)
- vii. **Aniul Haque Vs. State of West Bengal**
(2015 SCC ONLINE CAL 1612)
- viii. **Tridip Mitra Vs. State of West Bengal**
(2005 SCC OnLine Cal 551)
- ix. **Manoj Kumar Pandey Vs. State of M.P.**
(2019 SCC OnLine MP 2315)
- x. **Sri Sankar Das Vs. The State of Tripura**
(Crl. Petn No. 9 of 2018 decided on 16.03. 2018)

37. Now coming to the case on hand, I find that the motorcycle in question has been seized on account of recovery of 1 kg *Ganza* from the dickey of the motorcycle. It is also admitted fact that the case is still at the stage of investigation



and the ownership of the Petitioner to the motorcycle is not disputed. It is also not the case of the police that seizure of the motorcycle has not been reported to the Magistrate. Hence, the case is covered under Section 457 of the Cr.PC whereby learned Special Court under NDPS Act was empowered to pass order in regard to interim custody of the motorcycle to the rightful owner, who is Petitioner herein. Provision of Section 60 of the NDPS Act regarding liability of the motorcycle to confiscation is no bar to give interim custody of the motorcycle to the Petitioner.

38. Hence, the impugned order is set aside and the motorcycle in question is directed to be released to the Petitioner, subject to the following conditions:

- (i) The petitioner shall furnish bank guarantee of rupees twenty five thousand before the trial court.
- (ii) The petitioner shall produce the seized vehicle before the trial Court as and when called for during investigation, inquiry or the trial and also during the confiscation proceeding if any such proceeding is initiated.
- (iii) The petitioner shall not alienate the seized vehicle or change its nature and character during the pendency of the case.
- (iv) The seized vehicle shall not be used for the commission of any offence.”
- (v) The vehicle, before its release, should be properly photographed and the photograph will be made part of record. Engine number and chassis number of the motorcycle should be also noted for



future reference.

39. The petition stands allowed, accordingly.

(Jitendra Kumar, J.)

chandan/shoaib/
S.Ali-

AFR/NAFR	AFR
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