

**Court No. - 76**

**Case :- APPLICATION U/S 482 No. - 22859 of 2024**

**Applicant :- Birender Singh**

**Opposite Party :- State of U.P. and Another**

**Counsel for Applicant :- Pankaj Sharma, Pradeep Kumar**

**Counsel for Opposite Party :- Fuzail Ahmad Ansari, G.A.**

AND

**Case :- APPLICATION U/S 482 No. - 18870 of 2024**

**Applicant :- Mukesh Kumar**

**Opposite Party :- State Of U.P. And 3 Others**

**Counsel for Applicant :- Sudarshan Singh**

**Counsel for Opposite Party :- G.A.**

AND

**Case :- APPLICATION U/S 482 No. - 29462 of 2024**

**Applicant :- Praveen Singh Chauhan**

**Opposite Party :- State of U.P.**

**Counsel for Applicant :- Diwakar Tiwari, Satish Kumar Mishra**

**Counsel for Opposite Party :- G.A.**

**Hon'ble Vinod Diwakar. J.**

1. Heard learned counsel for the applicants, learned Additional Advocate General assisted by learned A.G.A. for the State-respondents, and perused the record.

2. In the present case, an FIR was registered by the police on the complaint of Excise Inspector. Following the registration of the FIR, a huge quantity of illicit liquor and Rs.14,03,550/- was recovered, and also a Mahindra Pick UP vehicle, bearing Registration No. UP-16-JT-5779, was seized. The owner of the vehicle filed an application before the learned Additional Chief Judicial Magistrate, Aligarh, seeking release of the vehicle. Accordingly, a response was called from the District Magistrate, who responded by stating that since the matter is

pending trial, the vehicle may not be released. Based on this response, the Additional Chief Judicial Magistrate rejected the application for release of the vehicle. Aggrieved by the rejection order dated 10.5.2024, the applicant filed a Revision Petition bearing no.174 of 2024, before the learned District Judge, Aligarh. The counsel for the applicant placed reliance upon *Prem Swamy v. State of Uttar Pradesh*<sup>1</sup> and *Dhirendra Singh Thapa v. State of Uttar Pradesh and others*<sup>2</sup>. However, the learned District Judge distinguished the applicants' case from those cited cases, noting that the referred cases involved the seizure of vehicles under the NDPS Act, whereas the applicants' case involved a violation of the provisions of the U.P. Excise Act and thereby rejected the revision petition.

3. The learned District Judge overlooked a well-known and widely referred judgment by the Supreme Court in *Sunderbhai Ambalal Desai v. State of Gujarat*<sup>3</sup>, which addresses the detailed procedure for release of vehicles and goods seized by investigating agencies. Instead, the learned District Judge decided the revision petition by distinguishing the petitioner's case from the case decided by the High Court in 1997. It is worth noting that in *Prem Swamy's case (supra)*, a co-ordinate Bench of this Court allowed the revision petition and directed the release of the seized vehicle on Supardari to the owner, in a case where the vehicle was confiscated in violation of the provisions of the U.P. Excise Act, 1910.

4. For clarity, the Supreme Court in the *Sunderbhai Ambalal Desai case (supra)* held that the powers under Section 451 Cr.P.C. should be exercised expeditiously, as this would serve several purposes: (i) the owner of the article would not suffer due to it remaining unused or being misappropriated; (ii) the court or police would not need to keep

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1 *Reported in 1997 Allahabad Criminal Cases (Suppl.) 99*

2 *Criminal Revision No.1926 of 2016*

3 (2002) 10 SCC 283

the article in safe custody; and (iii) if a proper *Panchnama* is prepared before handing over possession of the article, it can be used as evidence during the trial instead of requiring the article's production. If necessary, evidence could also be recorded, detailing the nature of the property.

5. In compliance with the order dated 05.08.2024, the learned District Judge, Aligarh, submitted a report dated 16.08.2024. Upon examining the report, it is observed that Criminal Revision No. 174 of 2024, filed by the applicant Birendra Singh, was allowed, and the order dated 10.05.2024, passed by the Chief Judicial Magistrate, Aligarh, in Misc. Application No. 98/11/2024, arising out of Case Crime No. 123/2024, registered under Sections 60, 63, and 72 of the Excise Act, P.S. Tappal, District Aligarh, has been set aside. The matter was remanded back to the learned Magistrate to reconsider the applicant's application afresh for the release of the vehicle in accordance with the procedure laid down by the Supreme Court in the *Sunderbhai Ambalal Desai case (supra)*. The issue has been resolved in this particular case; however, the underlying situation remains unchanged and is expected to persist in other similar cases.

6. Every day, this Court is burdened with a good number of applications seeking the release of vehicles seized/confiscated by the police or various government departments for violations of laws such as the N.D.P.S. Act, Gangsters Act, Cow Slaughter Act, Excise Act, Mines and Minerals Act, and M.V. Act and the offences registered under B.N.S., 2023. Although different authorities are empowered to seize and release vehicles under the respective statutes and rules framed there under, the general procedure for their release lies under Section 451 Cr.P.C. It has been observed that a significant number of vehicles across Uttar Pradesh are left outside police stations in a state

of disrepair- non-functional, dismantled, inoperable, reduced to mere chassis, rusted, and unused.

7. There are various reasons for the accumulation of these vehicles at police stations, including: **(i)** the owner may not have filed a release application; **(ii)** the courts may have rejected the release applications; **(iii)** the owner may lack sufficient funds to produce surety bonds against the release order; **(iv)** vehicles may be held as evidence in ongoing trials, preventing their disposal until the trial concludes; **(v)** bureaucratic inefficiencies or a lack of streamlined processes for seizure, confiscation, auctioning, scrapping, or disposing of unusable vehicles; **(vi)** prolonged exposure to harsh weather conditions leading to rusting and further degradation; and **(vii)** neglect or oversight within the police administration. These reasons are illustrative, not exhaustive.

8. There is no uniform or consistent approach adopted by the courts in dealing with vehicle release applications. Additionally, the State Government lacks a centralized place to store the vehicles or agency to document and reflect details of vehicles seized and confiscated by the police and other departments. This is crucial because, in many cases, vehicles released by the court are repeatedly used by criminals, merely by altering number plates and chassis numbers.

9. The guidelines set by the Supreme Court in the *Sunderbhai Ambalal Desai case (supra)* appear to be regularly ignored by the police, District Magistrates, Commissioners of Police, and the learned trial courts. However, unfortunately, the courts have also not maintained consistency or uniformity in the law regarding the release of vehicles.

10. In this context, notices were issued to the Additional Chief Secretary (Home), Director General of Police (U.P.), and the Principal Secretary (Transport) to propose effective measures for reducing the congestion of seized vehicles at police stations. They were directed to consult with all District Magistrates and concerned officials from the Excise, Forest, Mines, and other departments before submitting their suggestions to this Court. Similarly, the D.G.P., U.P., was instructed to hold consultations with field-level officers, including Senior Superintendents of Police and Police Commissioners. These proposals may include: **(i)** formulation of uniform guidelines with defined timelines for auctioning confiscated vehicles; **(ii)** standardized procedures for handling unclaimed vehicles; **(iii)** regular inventory and audit mechanisms for all seized vehicles; **(iv)** mandatory video and photographic documentation at the time of seizure; and **(v)** enforcement of accountability mechanisms for Investigating Officers and seizing/confiscating authorities for non-compliance with judicial directions and Supreme Court guidelines.

11. The Chief Secretary, U.P., was also directed to submit an affidavit proposing the development of a *single-window web portal*, enabling all concerned departments- Police, Transport, Forest, Mining, and Excise- to upload and share real-time data on stolen, seized, or confiscated vehicles involved in criminal cases.

12. In compliance with the various orders, passed by this Court, the Home, Transport, and Excise Departments submitted their respective affidavits. Additionally, inputs were also received from the learned District Judges to facilitate a comprehensive approach to the issue.

13. Pursuant to order dated 20.08.2024, the Home Department, *via* Letter No. 4009(A)/Chah-PO-2024-754401 dated 14.09.2024, directed all District Magistrates to conduct extensive consultations

with the concerned officers of the Excise, Forest, and Mines Departments and to forward consolidated suggestions to the Secretary (Home).

14. Based on preliminary data compiled by the Police Headquarters, it has been reported that approximately 72,776 vehicles are currently impounded across all police stations in Uttar Pradesh. The zone-wise and commissionerate-wise breakdown of these seized vehicles is as follows:

S. No.	Zone/Commissionerate	Number of Vehicles
1.	Meerut	12,478
2.	Bareilly	12,164
3.	Agra	6,764
4.	Kanpur	3,968
5.	Lucknow	9,566
6.	Prayagraj	1,891
7.	Gorakhpur	6,324
8.	Varanasi	7,314
9.	Commissionerate Lucknow	2,197
10.	Commissionerate Gautam Buddha Nagar	2,004
11.	Commissionerate Kanpur	1,945
12.	Commissionerate Varanasi	802
13.	Commissionerate Ghaziabad	354
14.	Commissionerate Agra	1,716
15.	Commissionerate Prayagraj	3,102
16.	GRP (Government Railway Police)	187
	<b>State Total</b>	<b>72,776</b>

15. The *police department*, after deliberation with the respective field officers, provided the following suggestions;

15.1 The number of civil police stations in Uttar Pradesh is approximately 1,500, and the number of vehicles parked at these stations has been estimated at around 72,776. It is not possible to take action regarding such a large number of vehicles without the use of technology. Previously, a National Vehicle Coordination Portal was operational, which allowed for the entry of data related to vehicles impounded at police stations. A similar portal should be developed at the state level, and a system should be implemented that mandates entry of all vehicle details (registration number, engine number, chassis number, make, model, etc.) for all vehicles parked at police stations. This would facilitate the prompt disposal of vehicles from police stations. If the information fed into the portal is shared with the public, individuals whose vehicles were stolen will be able to find information about their vehicles on the portal.

15.2 Campaigns, similar to *Operation Clean*, should be conducted from time to time to ensure the disposal of vehicles parked at police stations.

15.3 In relation to the disposal of case-related vehicles, proceedings should begin immediately after the judgment in the relevant case. In cases where no appeal is proposed, those vehicles should be disposed of on a priority basis through the order of the magistrate/court.

15.4 At the police station level, priority action should be taken for the auction of unclaimed vehicles.

15.5 Efforts should be made to trace the vehicle owners based on the registration number, engine number, chassis number, or other available details.

15.6 For vehicles in which the owners have already received insurance claims, the relevant insurance company should also be informed about the status of those vehicles.

16. Upon perusal of the compliance affidavit filed by the **Regional Transport Officer (Enforcement)**, Prayagraj, it is noted that a total of 71,344 vehicles have been seized. Of these, 31,525 vehicles have been released, while the remaining 39,819 are reported to be parked with the department across all 19 divisions of Uttar Pradesh. These vehicles were seized primarily for non-payment of tax, additional tax, and penalties. Additionally, 5,021 vehicles have been auctioned. The affidavit further clarifies that the seizures were made under the provisions of the U.P. Motor Vehicle Taxation Act, 1997. After the payment of the applicable tax, vehicles are released in accordance with Section 22(2) of the said Act. In cases where the tax remains unpaid for 45 days, the vehicles are subject to auction under Rule 9(a) of the U.P. Motor Taxation Rules, 1998.

17. Upon perusal of the letter dated 18.11.2024, issued by the **Additional Excise Commissioner (Administration)**, it is revealed that 923 vehicles are currently parked either in godowns maintained by the Excise Department or at police stations. The auction of such vehicles has been conducted by a committee chaired by the District Magistrate, with representatives from both, the Excise and Transport Department. These auctions take place after the expiry of the appeal period, in accordance with Sections 72 and 73 of the United Provinces Excise Act.

17.1 Further, the Assistant Excise Commissioner (Task Force) has been designated as the Nodal Officer for the development of an **integrated single-window web portal**. It is also noted that the Office of the Excise Commissioner, Uttar Pradesh, through its letter dated 22.11.2024, has directed all District Excise Officers to implement the prescribed guidelines without delay. Unclaimed vehicles are to be dealt with in accordance with the law, subject to obtaining prior permission from the competent court.

**17.2** The excise department has also suggested that an integrated portal should be developed at the state level where any agency can upload details of seized vehicles. This information should include details such as the crime for which the vehicle was seized, the court/magistrate where the case is pending, the current status of the case, auction date as per decision of the case, market value of the vehicle, etc. Through this integrated portal, all Courts will be able to access both the current status of the vehicle and its involvement in criminal activities. This will facilitate quicker judicial decisions.

**17.3** Regarding ownership of the seized vehicle by any person, institution (e.g. loan provider), or insurance company, the vehicle should be auctioned with permission from the Collector/District Magistrate, and the proceeds should be deposited in the government treasury.

**17.4** A fixed time frame should be set for the disposal of seized vehicles through auction, to ensure disposal within that period. Basically, delays occur after the appeal/revision period ends. Hence, provision should be made for immediate public auction proceedings as per rules to avoid unnecessary delays and enable batch auctions.

**17.5** If a vehicle is produced before a court during investigation or trial, and a claimant exists, the vehicle should be handed over to the rightful person upon completion of the following formalities:

- (a)** Preparation of a detailed seizure report (*panchnama*).
- (b)** Photographs/videography of the vehicle and a bond stating that it will be produced before the court if required during the trial.
- (c)** Photographs, videography, and seizure documents must be countersigned by the accused and the complainant/custodian receiving the vehicle.

**17.6** Regular photography of seized vehicles should be ensured, particularly for vehicles under seizure or pending appeal/revision. Fortnightly photography should be conducted, and photo-records preserved in a pen drive/CD with the case file. If an auction/sale is initiated post-judicial order, proper photo/videography must be documented as evidence in the auction records.

**17.7** Vehicles released on custody and later re-seized often lose value due to depreciation and prolonged use by the owner, resulting in revenue loss. Therefore, at the time of release by the competent court to any claimant (owner, loan provider, insurer), a Fixed Deposit Receipt (FDR) of the evaluated vehicle value should be taken in favour of the concerned district-level officer, pledged as security for the prosecution.

**17.8** Under Section 72 of the United Provinces Excise Act, a report must be submitted to the District Magistrate within 3 days of registering the case. In the absence of a market value report, vehicle release is delayed. The Act allows for the filing of the case within 3 days of vehicle seizure; hence, it is proposed that the seizing agency be mandated to provide a market valuation report from a competent authority within 7 days to the Court.

**17.9** If, within 3 months of registering a case under Section 72, no confiscation order is received from the competent court, the vehicle should be released to the owner on the condition that they submit a bond equivalent to the market value, agreeing to present the vehicle in working condition whenever required during the trial. Sale of the vehicle during this period will be prohibited.

**17.10** In cases where no claim is made under Section 72 by the accused, vehicle owner, insurance company, or any other party, notices should be issued to the vehicle owner and insurance company

(if the vehicle was financed), and further action should be followed in accordance with suggestions made herein above.

**17.11** If it is not possible to ascertain the vehicle owner or insurance company, the vehicle should be auctioned on a fixed date after publishing notices in the two most widely read newspapers in the district where the vehicle was registered.

**17.12** The seizure process and current status of vehicles used in illegal transportation of narcotics must be mandatorily reviewed in the monthly crime meetings chaired by the Collector/Senior Superintendent of Police. Any obstacles in the seizure process must be resolved immediately in that meeting.

**18.** The Prosecution Department has informed that the Home Department has, from time to time, issued guidelines concerning the disposal of seized goods. Notably, Government Order No. 698/४-५0-9-16-31(16)/2016 dated 18th April 2016, issued after due consideration by the State Government, outlines specific directions for the disposal of goods stored in district and police station godowns. The key provisions relating to the disposal of seized vehicles are as follows:

**18.1** Where any property is seized by the police, the concerned Station Officer should send the information about the seizure of the property to the court within seven days and ensure the disposal of the goods after obtaining orders from the court.

**18.2** The provisions of section 158 of the Motor Vehicles Act and Rule 203, along with the prescribed form SR 48 (Investigating Officer's Report), must be complied with and each investigating officer will ensure compliance with these rules and promptly send their report to the concerned court during the investigation of accident-related cases.

**18.3** Failure to comply with this will result in action under Section 23 read with Section 29 of the Police Act. If there is no claimant for the vehicle, the insurance company's network should be used to trace the actual owner.

**18.4** Goods stored in the district or police station godowns, whose cases have been disposed of, should be disposed of promptly through a sustained campaign.

**18.5** In the monthly prosecution review meeting of the District Magistrate, in which the Superintendent of Police shall remain present, a detailed review of the disposal of goods seized by the police shall be done.

**18.6** If the courts are not showing interest in the disposal of goods, it should be discussed in the monitoring cell's meeting to ensure proper coordination with the courts.

**18.7** The annual report of each Station Officer or Station Head will also be based on the disposal of goods in their jurisdiction. All Superintendents of Police/Deputy Inspector Generals/Inspector Generals will ensure this action is carried out.

**19.** Where the case property remains pending even after the lapse of the appeal period, a notice in the prescribed format under the General Rules (Criminal) should be given to the person entitled to the property. If such a person fails to appear to claim the property, or if the property remains unclaimed, or if the owner cannot be traced, or if the police has been unable to identify the legal heir of the property, and no complaint is filed regarding such property, then the unclaimed property shall be disposed of in accordance with the procedure laid down under Sections 457, 458, and 459 of the Code of Criminal Procedure, 1973.

20. The *Secretary (Department of Home)* forwarded the following suggestions:

**20.1 Case Property:** In cases where a final report has been submitted, the court should promptly approve it and issue an order for disposal of the case property. A timeline for disposal should be fixed accordingly. For very old case properties, the status of the case outcome must be ascertained, based on which unnecessary pending case properties can be disposed of.

**20.2 Unclaimed / Unattended Property:** Most of such items lose their utility over time, leading to a loss of public funds and shortage of storage space in the malkhana. A list of such unclaimed and unattended items should be prepared and disposed of through the auction process via the concerned magistrate. The value of auctionable items should be assessed by competent authorities to determine their base price.

**20.3 Attachments (Seizures):** Often, items under attachment are kept haphazardly in open areas or other usable spaces in police premises due to a lack of proper storage, against norms. Items that are likely to perish should be auctioned after obtaining a court order, and the cash proceeds be safely deposited so they can be returned if needed. If the accused, whose property has been attached, is arrested or appears before the court, the property should be returned to the family.

**20.4 Personal Search Items:** Items obtained during the personal search of an accused at the time of arrest often remain pending after submission of the charge-sheet. Clear instructions should be issued that such items should be returned to the family members at the address provided by the accused, or as disposal ensured accordingly.

**20.5 Vehicles involved in accidents, whose owners are known,** should be returned to them after technical inspection and obtaining a

court order. Otherwise, the vehicle should be auctioned within six months after receiving court directions.

**20.6** Similar to other states (Kerala and Andhra Pradesh), the feasibility of establishing “district-level centralized vehicle yards” using QR code tracking- linked with the state-level centralized malkhana information center- should be thoroughly studied. If required, the Home Department may consider initiating this project as a pilot in select districts.

**20.7** *Disposal of unclaimed/unattended items:* A list of such items should be prepared, court orders should be obtained, and disposal carried out through auction as soon as possible. In cases where the owner of an unclaimed vehicle cannot be traced or verified, the Transport Department should be instructed to quickly determine its value for auction.

**20.8** *Disposal of insured vehicles:* In cases where the vehicle owner has already received insurance compensation, the vehicle comes under the control of the insurance company. In such situations, after obtaining a court order, a deadline should be set for the insurance company to take custody of the vehicle. If they fail to do so within the prescribed time, the vehicle should be auctioned as per the rules.

**20.9** A web portal be linked via API with the CCTNS system with the assistance of the Police Technical Services Headquarters. For linking with CCTNS, the NIC can assess and define the functional requirements for the new web-based application software. If this software operates on the “One Data Once Entry” principle, it could be beneficial for all stakeholders.

**20.10** In addition to the above, the Police Department and the Excise Department should also conduct in-depth discussions and

deliberations on the aforementioned suggestions to develop a practical and working plan with coordination among all stakeholders.

**21.** Suggestions were also invited from the learned District Judges to identify the legal impediments faced by trial courts in ordering the release of seized vehicles, particularly in cases involving procedural deficiencies or irregularities committed by confiscating authorities, designated officers, or investigating officers at the time of seizure. The submissions highlight that, during hearings on release applications, the prosecution frequently relies on judgments of the Constitutional Courts to argue that the courts lack jurisdiction to release vehicles under certain special statutes. The learned District Judge has also highlighted various deficiencies and procedural irregularities committed by the confiscating and investigating authorities at the time of vehicle seizure. Several illustrative instances of such lapses have been noted in the preceding paragraphs. These include:

**21.1** The verification process mandated under Rule 203-A of the Uttar Pradesh Motor Vehicles Rules, 1998- requiring the preparation of a technical report and verification of documents such as the driving licence, registration certificate, fitness certificate, insurance papers, and route permit- is often not carried out in a timely manner by the Investigating Officer. This delay is generally caused when the offending vehicle is registered outside the State.

**21.2** In cases involving heinous crimes, the timely collection of forensic samples or evidence (e.g., bloodstains) from the offending vehicle is often not conducted. This procedural lapse contributes to unwarranted delays in the release of the vehicle.

**21.3** There are frequent delays in the deposit of security bonds by the claimants, which stalls further processing of release orders.

**21.4** There is non-compliance by State agencies with release orders issued by Gangster Courts, often on the ground that an appeal has been filed before the Appellate Court, despite no stay having been granted.

**21.5** There is non-compliance by Investigating Officers with the directions of the Supreme Court mandates that the Investigating Officer must inform the concerned insurance company about the involvement of a vehicle in the commission of an offence<sup>4</sup>.

**22.** A comprehensive exercise has been undertaken by the learned District Judges, the Secretary (Home), the Principal Secretary (Excise and Transport), and the office of the Director General of Police. To facilitate deliberation on the issues at hand and to formulate appropriate guidelines and recommendations, a high-level committee was also constituted by Director General of Police, comprising the Additional Director General of Police (Prosecution), the Additional Director General of Police (Technical), and the Additional Director General of Police (Crime) to examine the issue raised in the present case.

**23.** The seizure of vehicles involved in the commission of offences under various special statutes is a common occurrence. However, the procedure for their release is not uniform and is governed by specific statutory provisions that often override general criminal procedure laws such as Sections 497 to 505 of the BNSS, 2023.

**24.** The release of seized vehicles under special statutes in State is governed by distinct procedural mechanisms and statutory bars, which often exclude the jurisdiction of criminal courts under the BNSS, 2023. These bars serve specific legislative intents- be it to deter smuggling, protect forests, control narcotics, or prevent cow slaughter. However, these statutory frameworks also highlight the need for

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<sup>4</sup> *In Writ Petition (Civil) No. 14 of 2008*

timely adjudication, administrative efficiency, and safeguarding property rights through due process. Courts and enforcement authorities must strike a balance between legal rigor and economic utility, ensuring that while the law is upheld, national assets are not rendered useless due to bureaucratic inertia or legal uncertainty.

25. It's been figured that 72,776 vehicles are stationed at police stations seized by the police, and 923 vehicles, has been seized by the excise departments, and are parked either in the go-down managed by excise or a police station, and 39,819 vehicles are pending with the transport department. In Uttar Pradesh, on average, 7500 vehicles are seized against a target of 14180. 11819 vehicles are kept in the transport department's custody for more than 45 days, whereas, as per rule, there is a specific procedure codified through Rule 19 A of U.P. Motor Taxation Rules, 1998 to auction the vehicle after 45 days. In this regard, a reference is invited to a letter dated 27.11.2024, issued by Additional Transport Commissioner (Enforcement), Uttar Pradesh.

26. Whether the vehicles are confiscated under the Excise Act, Customs Act, NDPS Act, Forest Act, Cow Slaughter Act, or general provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, vehicles represent more than mere instruments of offence- they are critical components of national infrastructure and economic activity.

27. The fundamental jurisprudential principle is "*Punish the offender, not the instrument.*" A vehicle does not commit a crime- it is, at best, a passive tool misused by an individual. The law must be sufficiently nuanced to distinguish between the culpability of a person and the utility of property. Retaining vehicles for extended periods, often under the pretext of pending trials or procedural gaps, leads to economic waste, administrative inefficiency, and a violation of the owner's fundamental rights when legal ownership is not conclusively challenged.

28. Every seized vehicle is not just an impounded object- it is a *national asset*. Vehicles contribute to industrial growth, logistics, agriculture, tourism, and trade. The longer they are left to deteriorate in police stations, excise godowns, or transport yards, the greater the loss to the national economy. Data reveals a troubling picture: 72,776 vehicles lie idle at police stations, 923 with the excise department, and over 39,819 vehicles are pending with the transport department, many beyond the statutorily permissible limit. In Uttar Pradesh alone, 11,819 vehicles remain in custody beyond 45 days, contrary to Rule 19-A of the U.P. Motor Taxation Rules, 1998, which codifies a clear procedure for their disposal.

29. Idle vehicles contribute nothing to the GDP, commercial tax, or employment sectors. If released for lawful use, they would re-enter the economy, generate fuel tax, toll revenue, goods and services tax (GST), and contribute to employment in logistics and transportation. The economic rationale for their release is thus aligned with both public interest and fiscal prudence.

30. Courts, as custodians of constitutional and legal rights, must adopt a growth-oriented lens while dealing with the release of seized vehicles. The judicial discourse should be informed by the broader national objective of economic development and minimization of wastage. While some special statutes create bars on judicial release, courts can, and should, proactively: **(a)** encourage timely compliance with confiscation, auction or release procedures, **(b)** monitor departmental delay and direct accountability for non-compliance, **(c)** utilize interim custody orders (supratnama or indemnity bonds) to prevent property degradation without prejudicing the case, **(d)** courts must ensure that administrative lethargy does not override statutory and constitutional safeguards.

**31.** It is apparent from the suggestions received from the learned District Judges that the seizure and release of vehicles involved in alleged criminal activity constitutes a significant area of concern for criminal courts. This concern is particularly gained importance when vehicles are seized under special statutes, such as the U.P. Cow Slaughter Act, 1945, the U.P. Excise Act, the Indian Forest Act, 1927, and the U.P. Minor Mineral Concession Rules, 2021. These statutes contain statutory bars that override the general provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023.

**32.** Section 5A(7) of U.P. Cow Slaughter Act, 1945 provides an explicit bar on judicial discretion for releasing seized vehicles. The provision reflects a legislative intention to empower only the authorized officers or the State government with decision-making authority regarding confiscation and release. This provision states: *“No order shall be passed for the release of the vehicle by any court during the pendency of the trial or confiscation proceedings.”*

**32.1** Section 72 of U.P. Excise Act, 1910 deals with the confiscation of seized property, vesting power solely in the Collector. The section creates a parallel adjudicatory framework, distinct from the criminal trial, thereby excluding the jurisdiction of Magistrates in release matters.

**32.2** Section 52-D (U.P. Amendment, 2001) of Indian Forest Act, 1927 (as amended in U.P.) categorically bars any other officer or court from exercising jurisdiction over seized property and Section 52 and 52-A empower forest officers to conduct confiscation proceedings.

**32.3** Rule 72(6) of U.P. Minor Mineral Concession Rules, 2021 clearly stipulates the competent authority and procedure for release, thereby precluding judicial interference during the pendency of departmental proceedings. Rule 72(6) provides that: *“After the*

*deposit of penalty and the price of minor minerals, the vehicle and material shall be released by the District Magistrate.”*

33. While strict compliance with statutory bars is non-negotiable, but courts and concerned departments must also consider the economic utility of vehicles as national assets. It's high time that a mechanism be developed for timely adjudication of confiscation, auction and release proceedings, establishing clear timelines and digital tracking systems for seizure, reporting, and resolution.

34. The legal regime governing the release of seized vehicles under special statutes is characterized by statutory exclusivity, procedural complexity, and judicial discretion. The consistent message from courts is that special statutes prevail over general provisions of the procedural code. However, this rigid structure must be balanced against the rights of owners, the economic interests of the State, and the public interest. A harmonized framework that integrates procedural discipline with pragmatic flexibility is essential to ensure both the rule of law and economic rationality in the treatment of seized vehicles. Therefore, a legislative review to harmonize conflicting procedures and permit interim release under strict conditions, especially where ownership is not disputed, may serve both justice and economic efficiency.

35. These issues underscore the need for clarity, codification, and training for all stakeholders, including police and prosecutors.

36. Whether the vehicles are confiscated under the Excise Act, Customs Act, NDPS Act, Forest Act, Cow Slaughter Act, or general provisions of the Criminal Procedure Code (Cr.P.C.), vehicles represent more than mere instruments of offence- they are critical components of national infrastructure and economic activity.

37. The issue has gained significance to the district court judges, who encountered legal impediments during the adjudication of release applications, particularly where statutory and procedural irregularities are involved in the seizure process.

38. Sections 497 to 505 of the Bharatiya Nagarik Suraksha Sanhita, 2023, lay down a comprehensive framework governing the custody, interim release, and disposal of property presented before the court during investigation or trial proceedings.

38.1 The provisions contained in Sections 497 to 505 of the Bharatiya Nagarik Suraksha Sanhita, 2023, do not become otiose in instances where the concerned department fails to comply with the statutory timelines prescribed under a Special Act or the Rules framed thereunder. The statutory scheme emphasizes the necessity of timely adjudication, not only to protect the interests of the department but also to ensure judicial oversight aimed at preventing the loss, deterioration, or misappropriation of property produced before the court during investigation or trial.

38.2 Section 504 of the Bharatiya Nagarik Suraksha Sanhita, 2023, prescribes the procedure to be followed when no claimant establishes a valid claim over seized property within a period of six months. In such cases, the Magistrate is empowered to pass an order directing that the property shall vest at the disposal of the State Government, which may then proceed to sell the property, with the sale proceeds to be dealt with in the manner prescribed by rules framed by the State Government. The courts are duty-bound to ensure that procedural safeguards are not misused or neglected to the detriment of justice and proper administration because of bureaucratic inertia.

39. Thus, the structural reforms are required for **(a)** a centralized, state-level digital dashboard tracking seized vehicles and their legal status would ensure transparency and accountability, **(b)** seamless

coordination between police, transport, forest, and excise departments can prevent overlap, duplication, and long-term storage, (c) mandating judicial review within 30-45 days of seizure for each vehicle, (d) where release is not permissible or ownership is disputed, vehicles should be auctioned or leased, with proceeds held in escrow, subject to court outcomes, and (e) both enforcement officials and vehicle owners should be educated on the correct legal position regarding seizures, ownership rights, and procedural entitlements at the time of seizure in unequivocal words about their rights and legal consequences.

40. The State cannot afford to allow thousands of vehicles- valued in crores- to rot in godowns and police stations while industries suffer from logistical shortages, and the state forfeits potential revenue. A reformed approach to vehicle seizure and release- rooted in legality, economic sense, and human rights- is not merely a matter of judicial discretion, but a necessity for national progress. Vehicles must be treated not as liabilities in criminal procedure, but as assets to be preserved, protected, and put to lawful use. The courts, guided by constitutional values and economic foresight, have both the opportunity and responsibility to lead this change.

41. Therefore, based on the foregoing deliberations, this Court deems it appropriate to direct the Chief Secretary, Government of Uttar Pradesh, to constitute a ***Coordination Committee*** comprising the Secretary (Home), Principal Secretary (Transport), Principal Secretary (Excise), Director General (Prosecution), Additional Director General of Police (Technical), Additional Director General of Police (Crime), and such other expert(s) as may be considered necessary. The Committee shall deliberate and formulate a comprehensive policy with structured guidelines for the respective departments to ensure that vehicles seized and kept at police stations or storage facilities are

auctioned or otherwise dealt with in a timely and effective manner, thereby preventing further loss or deterioration.

42. The Coordination Committee shall examine the suggestions put forth by the Secretary (Home), Director General of Police, Regional Transport Officer (Enforcement), Prayagraj, Additional Excise Commissioner (Administration), and the Department of Prosecution, as discussed herein above. Based on these inputs, the Committee shall formulate appropriate guidelines within a fixed time-frame, thereby enabling the respective departments to proceed with auction proceedings, if not already done.

42.1 The Committee shall issue appropriate directions to the concerned departments to expedite the development of a single-window web portal and ensure its integration with the CCTNS system through an API interface. For the purpose of such integration, the National Informatics Centre (NIC) may assess and define the functional requirements of the proposed web-based application software, as suggested by the respective departments.

42.2 Similar to other states (Kerala and Andhra Pradesh), the feasibility of establishing “*district-level centralized vehicle yards*” using QR code tracking- linked with the state-level centralized *malkhana* information centre- should be thoroughly studied. The Home Department shall consider initiating this project as a pilot in select districts, as suggested.

42.3 The *Coordination Committee* shall also deliberate upon the feasibility of auctioning vehicles seized by the police in cases where neither the owner of the vehicle nor the Insurance Company has filed

any application before the Court for release of such vehicles within six months from the date of institution of the case during the pendency of the trial<sup>5</sup>.

**42.4** Vehicles seized by the police in accident cases shall be accorded priority for auction or dismantling.

**42.5** The Director General of Police shall ensure that, upon completion of the exercise undertaken by the Coordination Committee, no vehicle remains abandoned or left to rust in or around police stations.

**43.** If any designated officer of the concerned department, or a police officer, files an application before the *Court* seeking permission to auction unclaimed vehicles, such application is required to be considered expeditiously and in accordance with law. Upon the preparation of a proper *panchnama*, as mandated in *Sunderbhai Ambalal Desai case* (supra), the department may be permitted to proceed with the auction- particularly in cases where the seized vehicle has been involved in an accident. The mere pendency of the trial shall not, by itself, operate as a bar to the disposal of the offending vehicle, especially where its continued retention serves no evidentiary purpose and may lead to unnecessary deterioration or congestion.

**44.** Before concluding this judgment, I find it appropriate to place on record my sincere appreciation for the meticulous and dedicated efforts of the Secretary (Home), office of the Director General of Police, and the concerned officers of the Excise and Transport

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<sup>5</sup> **Section 504 of BNSS, 2023. Procedure where no claimant appears within six months.**  
 (1) If no person within such period establishes his claim to such property, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the Magistrate may by order direct that such property shall be at the disposal of the State Government and may be sold by that Government and the proceeds of such sale shall be dealt with in such manner as the State Government may, by rules, provide.  
 (2) An appeal shall lie against any such order to the Court to which appeals ordinarily lie from convictions by the Magistrate.

Departments. The suggestions put forth by the learned District Judges are anticipated to play a constructive role in the formulation of structural guidelines. This comprehensive and meticulous exercise reflects the officers' sincere commitment to addressing the concerns raised in the present application, and underscores the judiciary's proactive engagement in ensuring effective and practical solutions within the legal framework.

**45.** The Registrar (Compliance) is hereby directed to transmit a copy of this order forthwith to the Chief Secretary, Government of Uttar Pradesh, for its effective compliance. The Chief Secretary shall ensure that the entire exercise undertaken by the Coordination Committee is concluded within a period of *six months*.

**45.1** A certified copy of the Compliance Affidavit dated 27.11.2024 filed by Secretary (Home) (containing pages 1 to 26); instructions furnished by Secretary (Home) by way of Letter No.4513/४-५०-9-24-754401 (containing pages 1 to 18) dated 18.11.2024; instructions furnished by Secretary (Home) by way of Letter No.4295-४-५०-9-24-754401 (containing pages 1 to 12); Letter No: DG-10-Vi-Pr-Writ-(385) 2024/63/3 dated 9.10.2024 issued from the office of Director General of Police, Uttar Pradesh (containing pages 1 to 15); a copy of compliance affidavit dated 28.9.2024 filed by Regional Transport Officer (Enforcement), Prayagraj (containing pages 1 to 20) and a copy of compilation (containing pages 1 to 49) filed by learned Additional Government Advocate; a copy of compilation dated 11.12.2024 containing affidavit of Excise Department and instructions furnished time to time (containing pages 1 to 32) along with a copy of letter dated 17.12.2024 issued by Dy. Excise Commissioner, Prayagraj containing details of vehicles seized by the department, be sent to the Chief Secretary along with a copy of this order for consideration by the *Coordination Committee*.

45.2 Let a copy of this order be sent to the office of Home Department, Government of Uttar Pradesh for coordination.

45.3 Let a copy of this order be transmitted to all the learned District Judges of Uttar Pradesh through the Registrar General of this Court, with a direction to ensure that the judgment is duly circulated among all Judicial Officers.

45.4 Registrar General shall also forward a copy of this judgment to the Director JTRI, Lucknow for record and reference.

46. Accordingly, the application is *disposed of* in the terms stated above.

**Order Date:-12.5.2025**  
Anil K. Sharma

**Vinod Diwakar, J.**