2025 INSC 1258

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2025
(Arising out of SLP (Crl.) No(s).8698 of 2025)

DENASH ....APPELLANT(S)

VERSUS

THE STATE OF TAMIL NADU ....RESPONDENT(S)

J U D G M E N T

Mehta, J.

1. Heard.

2. Leave granted.

3. The appellant herein has approached this Court through this appeal by special leave for assailing the judgment dated 20th December, 2024 passed by the learned Single Judge of the Madurai Bench of the Madras High Court[1] in Criminal Revision Case (MD) No.1021 of 2024, whereby the prayer made by the appellant for interim custody of his lorry bearing

[1] Hereinafter, being referred to as the "High Court".

registration no. TN 52 Q 0315 (Ashok Leyland, 14 wheeler)[2], was rejected.

Brief Facts: -

4. The appellant is the owner of the vehicle in question, which was lawfully hired for transporting 29,400 MT of iron sheets from M/s S.S. Steel and Power, Chhattisgarh to Ashok Steels, Ranipet, Tamil Nadu. For this purpose, the vehicle had been assigned to driver Kannan @ Venkatesan (accused No. 1), Deva (accused No. 2), Senthamalivalavan (accused No. 3), and Tamil Selvan (accused No. 4). During the course of transit, on 14th July, 2024, the officers of Police Station Neyveli Township, intercepted and searched the vehicle, whereupon 1.5 kilograms of *Ganja* was found concealed beneath the driver Kannan's (accused No. 1) seat, and an additional 1.5 kilograms each was recovered from the personal possession of the other three accused, thereby bringing the total quantity of seized *Ganja* to 6 kilograms. All four accused persons present in the vehicle were arrested. Pursuant to the seizure, First Information Report No. 220 of 2024 was registered at

[2] Hereinafter, being referred to as "the vehicle".

P.S. Neyveli Township, District Cuddalore, for offences punishable under Sections 8(c), 20(b)(ii)(B), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substance Act, 1985[3]. Upon conclusion of the investigation, chargesheet was filed against the aforesaid four accused for the said offences. It is important to note that the appellant was not arraigned as an accused in the report filed under Section 173(2) of the Code of Criminal Procedure[4] [Section 193(3) of Bharatiya Nagarik Suraksha Sanhita[5]].

5. Being aggrieved by the continued seizure of his valuable transport vehicle, the appellant moved an application under Section 497 BNSS [Section 451 CrPC], being Criminal Miscellaneous Application No. 5495 of 2024, before Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur[6], seeking interim release of the seized vehicle on *supurdagi* pending conclusion of trial.

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[3] For short "NDPS Act".
[4] For short "CrPC".
[5] For short "BNSS".
[6] Hereinafter, being referred to as the "Special Court".

6. The Special Court, *vide* order dated 9th September, 2024 dismissed the aforesaid application filed by the appellant on the ground that the vehicle seized under the provisions of the NDPS Act was not amenable to release on interim custody by invoking the provisions under Sections 451 and 452 of CrPC [Sections 497 and 498 BNSS], as the same was liable to confiscation under Section 63 of the NDPS Act.

7. Being aggrieved, the appellant approached the High Court for assailing the order of the Special Court by filing Criminal Revision Case (MD) No. 1021 of 2024 which came to be rejected by the impugned judgment.

8. The High Court held that pursuant to introduction of the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022[7], the Drug Disposal Committee alone had the authority and jurisdiction to adjudicate upon the disposal of the property which included seized drugs as well as the conveyances. The High Court further held that since the Rules of 2022 vested exclusive jurisdiction with the Drug Disposal

[7] For short "Rules of 2022".

Committee, it could be presumed that the Committee was empowered to consider requests for interim release of a seized conveyance as well. Accordingly, the revision preferred by the appellant was dismissed upon which, the appellant is before us by way of the instant appeal with special leave.

9. Learned counsel appearing for the appellant placed reliance on a recent decision in ***Bishwajit Dey v. State of Assam***[8] wherein this Court examined various facets and scenarios in which a prayer for interim release of vehicles seized under the NDPS Act could be entertained and adjudicated. He urged that the controversy involved in the present case is squarely covered by the ratio of the above decision and thus, the appellant is entitled to release of his seized vehicle.

10. *Per contra*, learned counsel representing the State, supported the impugned judgment and urged that the judgment in ***Bishwajit Dey (supra),*** did not consider the import of the Rules of 2022 and thus, the ratio thereof must be declared to be *per incuriam/ sub silentio* insofar as the aspect of release

[8] 2025 INSC 32.

of vehicles seized under the NDPS Act is concerned. It was, therefore, contended that the appeal should be dismissed, leaving it open for the appellant to take recourse to the appropriate remedy for seeking interim release of the vehicle.

Findings and Conclusion: -

11. We have given our thoughtful consideration to the submissions advanced at bar and have gone through the impugned judgment and the material placed on record. We have also carefully perused the Rules of 2022.

12. Relevant provisions of the Rules of 2022 are quoted hereinbelow: -

> "**17. Officers who shall initiate action for disposal.** - **Any officer in-charge of a police station or any officer empowered under section 53 of the Act shall initiate action for disposal** of narcotic drugs, psychotropic substances, controlled substances or conveyances under section 52A of the Act **after the receipt of chemical analysis report.**
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> **20. Functions of the Drug Disposal Committee.** - The functions of the Drug Disposal Committee shall be to, -
>
> (a) meet as frequently as possible and necessary;
>
> (b) conduct a detailed review of seized items pending disposal;

(c) order disposal of seized items, and

(d) advise the respective investigation officers or supervisory officers on the steps to be initiated for expeditious disposal.

21. Procedure to be followed by the Drug Disposal Committee with regard to disposal of seized materials. –

(1) The officer-in-charge of the godown shall prepare a list of all the seized materials that have been certified under section 52A of the Act and submit it to the Chairman of the concerned Drug Disposal Committee.

(2) After examining the list referred to in sub-rule (1) and satisfying that the requirements of section 52A of the Act have been fully complied with, the Members of the concerned Drug Disposal Committee shall endorse necessary certificates to this effect and thereafter that Committee shall physically examine and verify the weight and other details of each of the seized materials with reference to the seizure report, report of chemical analysis and any other documents, and record its findings in each case.

(3) In case of conveyance, the committee shall verify the engine number, chassis number and other details mentioned in panchnama and certify the inventory thereof.

22. Power of Drug Disposal Committee for disposal of seized material. - **The Drug Disposal Committee *can* order disposal of seized materials up to the quantity or value indicated in the following Table, namely: -**

S. No.	Name of Item	Quantity per consignment
1.	Heroin	5 Kilogram
2.	Hashish (*Charas*)	100 Kilogram
3.	Hashish Oil	20 Kilogram
4.	*Ganja*	1000 Kilogram
5.	Cocaine	2 Kilograms
6.	Mandrax	3000 Kilogram
7.	Poppy Straw	Up to 10 Metric Tonne
8.	Other narcotic drugs, psychotropic substances, or controlled substances	Up to a quantity of 500 Kilogram or 500 Litre
9.	**Conveyances**	**Up to a value of Rs. 50 Lakhs**

23. Mode of disposal. –

(1) Opium, morphine, codeine and thebaine shall be disposed of by transferring to the Government Opium and Alkaloid Works under the Chief Controller of Factories.

(2) In case of narcotic drugs and psychotropic substances, other than those mentioned in sub-rule (1), the Chief Controller of Factories shall be intimated by the fastest means of communication available, the details of the seized materials that are ready for disposal.

(3) The Chief Controller of Factories shall indicate within fifteen days of the date of receipt of the communication under sub-rule (2), the quantities of narcotic drugs and psychotropic substances, if any, that are

required by him to supply as samples under rule 67B of the Narcotic Drugs and Psychotropic Substances Rules, 1985.

(4) The quantities of narcotic drugs and psychotropic substances, if any, as required by the Chief Controller of Factories under sub-rule (3) shall be transferred to him and the remaining quantities of narcotic drugs and psychotropic substances shall be disposed of in accordance with the provisions of sub-rules (5), (6) and (7).

(5) Narcotic drugs, psychotropic substances and controlled substances having legitimate medical or industrial use, **and conveyances shall be disposed of in the following manner;**

(a) narcotic drugs, psychotropic substances and controlled substances which are in the form of formulations and labelled in accordance with the provisions of the Drugs and Cosmetics Act, 1940 (23 of 1940) and rules made thereunder may be sold, by way of tender or auction or in such other manner as may be determined by the Drug Disposal Committee, after confirming the composition and formulation from the licensed manufacturer mentioned in the label, to a person fulfilling the requirements of the said Act and the rules and orders made thereunder:

Provided that a minimum of 60% of the shelf life of the seized formulation remains at the time of such sale;

(b) narcotic drugs, psychotropic substance and controlled substances seized in the form of formulations and without proper labelling shall be destroyed;

(c) narcotic drugs, psychotropic substances and controlled substances seized in bulk form may be sold by .way of tender or auction or in such other manner as may be determined by the Drug Disposal Committee, to a person fulfilling the requirements of the Drugs and Cosmetics Act, 1940 (23 of 1940) and the Act, and the rules and orders made thereunder, after confirming the standards and fitness of the seized substances for medical purposes from the appropriate authority under the said Drugs and Cosmetics Act, 1940 and the rules made thereunder;

(d) controlled substances having legitimate industrial use may be sold, by way of tender or auction or in such other manner as may he determined by the Drug Disposal Committee, to a person fulfilling the requirements of the Act and the rules and orders made thereunder;

(e) seized conveyances shall be sold by way of tender or auction as may be determined by the Drug Disposal Committee.

(6) Narcotic drugs, psychotropic substances and controlled substances which have no legitimate medical or industrial use or such quantity of seized substance which is not

> found fit for such use or could not be sold shall he destroyed.
> (7) The destruction referred to in clause (b) of sub-rule (5) and sub-rule (6) shall be by incineration in incinerators fitted with appropriate air pollution control devices, which comply with emission standards and such incineration may only be done in places approved by the State Pollution Control Board or where adequate facilities and security arrangements exist and in the latter case, in order to ensure that such incineration may not be a health hazard or polluting, the consent of the State Pollution Control Board or Pollution Control Committee, as the case may be, shall be obtained, and the destruction shall be carried out in the presence of the Members of the Drug Disposal Committee."
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> (Emphasis Supplied)

13. A bare perusal of the rules, particularly the provisions pertaining to disposal of conveyances would make it clear that they are only supplemental to the scheme of disposal contemplated under the NDPS Act. The Rules being subordinate legislation, cannot supersede the provisions of the parent legislation, *i.e.*, the NDPS Act.[9] It is well settled that the Rules framed under a statute are intended to

[9] See ***Union of India v. Sanjeev V. Deshpande***, (2014) 13 SCC 1 (para 29).

carry out the purposes of the Act and cannot travel beyond or be inconsistent with the parent legislation.

14. As per Rule 17, initiation of process for disposal lies exclusively in the domain of the officer in-charge of the police station or any other officer empowered under Section 53 of the NDPS Act, and such initiation has to be preceded by the receipt of the chemical analysis report.

15. In other words, the Rules do not contemplate that any person other than the officer in-charge of the police station or any other officer empowered under Section 53 of the NDPS Act, can move an application for disposal. Furthermore, no such application can be entertained before the receipt of the chemical analysis report. The clear intention of the Rule appears to be that disposal proceedings should not commence until the seized narcotic drug has been duly verified through chemical examination, as such verification forms the very basis of further proceedings under the Act.

16. Furthermore, Rule 22 provides that the Drug Disposal Committee "***can***" direct disposal of the seized materials including conveyances valued less than Rupees 50 lakhs. Clearly thus, the provision

under the said Rule is not mandatory, rather directory and supplemental to the provisions of disposal under the Act.

17. While the Rules of 2022 lay down the procedure for initiation and disposal of seized articles, they are notably silent on the rights of persons whose property is affected by such disposal. This omission assumes particular importance in cases where the seized property is not a contraband *per se* but a conveyance or container belonging to a third party who may have no connection with the seized contraband. In this context, it is essential to refer to the substantive and procedural provisions contained in Sections 60 and 63 of the NDPS Act, which form the statutory framework governing confiscation and the rights of claimants.

18. Section 60 and Section 63 are reproduced hereinbelow for ready reference: -

> **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 [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.

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 sub-section shall, as nearly as may be practicable, apply to the net proceeds of the sale."

(Emphasis Supplied)

19. Section 60 deals with the liability of illicit drugs, substances, articles, and conveyances to confiscation. Sub-section (3) specifically provides that any animal or conveyance used in carrying a narcotic drug or psychotropic substance shall be liable to confiscation ***unless the owner proves that such use occurred without his knowledge or connivance, and that he, his agent (if any), and***

the person-in-charge had taken all reasonable precautions against such use. In other words, where the owner is able to demonstrate that the conveyance was used in violation of the NDPS Act without his knowledge or connivance and that due diligence was exercised, the vehicle cannot be confiscated merely because it was used in the commission of an offence under the said Act. However, the Rules of 2022 *(supra)* do not provide any such liberty to the owner nor do they empower the Committee to release a vehicle/conveyance seized under the Act.

20. Section 63 sets out the procedural mechanism to be followed by the Special Court before passing any order relating to seized property. It mandates that no final order of confiscation of the conveyance can be passed without affording an opportunity of hearing to the person claiming ownership and without considering the evidence adduced in support of such claim. Importantly, the statute expressly vests this adjudicatory power in the Special Court, thereby excluding any administrative or executive authority, such as the Drug Disposal Committee from unilaterally determining the fate of a seized vehicle

where ownership is claimed and fortified by a lawful defence in terms of Section 60(3) of the NDPS Act.

21. Thus, a conjoint and holistic reading of Sections 60(3) and 63, makes it abundantly clear that the power to determine whether or not a seized conveyance is liable to confiscation vests in the Special Court constituted under the NDPS Act and not in any administrative or executive authority such as the Drug Disposal Committee. The statute stipulates that where an owner proves absence of knowledge or connivance, the Special Court is duty-bound to hear such claim before deciding the fate of the seized vehicle including confiscation.

22. The legislative scheme thus contemplates that confiscation, being a measure resulting in deprivation of property, must conform to the basic tenets of natural justice and must be preceded with a prior hearing which would ensure that an innocent owner or a *bona fide* claimant, whose vehicle or container might have been misused without his knowledge or connivance, is not subjected to undue hardship and unjust deprivation of his property.

23. Let us take two examples:

(a) The vehicle owned by one 'X' is stolen and thereafter, the thief uses the said conveyance to transport narcotic or psychotropic drug. In such a situation, would it be justified in leaving the innocent owner to undergo the ordeal of moving the Drug Disposal Committee after waiting for the arrival of the chemical examiner's report, before the vehicle can be released?

(b) Where a *bona fide* transporter, assigns his transport vehicle to a driver and the said driver, in the process of carrying the consigned goods, collects some narcotic material on the way and is apprehended. In such a situation, would it be justified to leave the owner of transport vehicle to await the chemical examiner's report and then approach the Drug Disposal Committee for release of the vehicle?

24. Our answer is in the negative. This can never be the intent of the statute and the interpretation to this effect would defeat the very purpose behind Section 60(3) of the NDPS Act read with Sections 451 and 457 of CrPC [Sections 497 and 503 of BNSS].

25. This position has been recently clarified by this Court in ***Tarun Kumar Majhi v. State of West Bengal***[10]**,** wherein it was observed as follows:

> "It is settled law that the seized vehicles can be confiscated by the Trial Court only on conclusion of the trial when the accused is convicted or acquitted or discharged. **Further, even where the Court is of the view that the vehicle is liable for confiscation, it must give an opportunity of hearing to the person who may claim any right to the seized vehicle before passing an order of confiscation. However, the seized vehicle is not liable to confiscation if the owner of the seized vehicle can prove that the vehicle was used by the accused person without the owner's knowledge or connivance and that he had taken all reasonable precautions against such use of the seized vehicle by the accused person."**
>
> (Emphasis Supplied)

26. The principle enunciated in the aforesaid decision makes it abundantly clear that confiscation or otherwise of a conveyance is to be determined finally, only upon conclusion of the trial, and until such adjudication, the ownership rights of the owner, who *prima facie* establishes that he is unconnected with the seized contraband, from claiming the seized vehicle cannot be extinguished. It further

[10] Criminal Appeal No. 1305 of 2025

underscores that the power of confiscation is coupled with a duty to observe procedural fairness and to ensure that no prejudice is caused to an innocent owner who had neither knowledge nor willfully participated or connived to commit the offence under the NDPS Act.

27. On the contrary, the Rules of 2022 restrict the mode of disposal of a seized conveyance to "tender or auction", as may be determined by the Drug Disposal Committee. However, this restrictive procedural framework must necessarily be read in harmony with the parent statute. The Rules, being subordinate legislation, cannot override or curtail the substantive rights and procedural safeguards envisaged under the parent legislation that is the NDPS Act. In ***Bishwajit Dey (supra)***, this Court observed that the provisions of the NDPS Act do not bar the concerned Court from exercising its discretion, to release the vehicle in interim custody. While the Act provides for confiscation in appropriate cases, it does not preclude the Court from granting interim release of the vehicle where the circumstances so warrant. The exercise of such judicial discretion is to be guided by the facts and circumstances of each case and should

be undertaken in a manner that safeguards the rights of a *bona fide* owner at the same time balancing the need for detention of the vehicle/conveyance in appropriate cases.

28. Moreover, Sections 36-C and 51 of the NDPS Act expressly make the provisions of the CrPC/BNSS applicable to proceedings before the Special Court, insofar as they are not inconsistent with the provisions of the NDPS Act. Consequently, the powers under Sections 451 and 457 of CrPC [Sections 497 and 503 of BNSS] pertaining to disposal of property pending trial, would certainly apply to proceedings before the Special Court. In the absence of an express bar under the NDPS Act, the mere fact that a vehicle may be liable to confiscation under Section 60 cannot, by itself, operate to deny interim custody to a *bona fide* owner.

29. Accordingly, we have no hesitation in holding that the Rules of 2022 cannot be interpreted as divesting the Special Courts of their jurisdiction to entertain an application for interim custody or release of a seized conveyance under Sections 451 and 457 of CrPC [Sections 497 and 503 of BNSS]. The authority of the Special Court to pass appropriate

orders for interim custody during the pendency of the trial, as well as to make final determination upon its conclusion, continues to operate independently of the disposal mechanism envisaged under the said Rules. Any interpretation to the contrary would lead to anomalous and unjust consequences by depriving a *bona fide* owner of his property without judicial scrutiny or an opportunity of hearing, an outcome wholly inconsistent with the statutory scheme of the NDPS Act and contrary to the fundamental principles of natural justice.

30. Hence, we are of the considered view that the interpretation given by the High Court, holding that pursuant to the promulgation of the Rules of 2022, all other forums, including the Special Court, are divested of the jurisdiction to decide the fate of a seized conveyance under the NDPS Act and that the aggrieved person must necessarily approach the Drug Disposal Committee, is unsustainable in the eyes of law.

31. In the present case, it is manifest that the appellant is the true owner of the vehicle, having valid documents. The vehicle was lawfully engaged for transportation of iron sheets weighing 29,400 MT.

The seized drug, *i.e.,* 6 kilograms *Ganja* was found in possession of the four accused persons present in the vehicle. Neither was the appellant chargesheeted in the matter nor did the prosecution allege him to be acting in conspiracy. As a necessary corollary, it can safely be presumed that the said contraband must have been procured by the drivers and/or the *khalasis* without the knowledge or connivance of the appellant.

32. Having regard to the valuable consignment being transported and the high value of the vehicle, it does not stand to reason that the appellant, being the owner thereof, would knowingly jeopardize his business and property by permitting the transportation of 6 kilograms of *Ganja* alongside such valuable cargo.

33. The situation at hand may be examined with reference to the principles enunciated by this Court in paragraphs 29 and 30 of ***Bishwajit Dey (supra)***, wherein four scenarios were delineated concerning the seizure of contraband from a conveyance, along with the general approach to be adopted by Courts while considering the question of interim release of such conveyances. Paragraphs 29 and 30 of

Bishwajit Dey (supra), are extracted hereinbelow for ready reference: -

> "**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 vehicle 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.
>
> **31.** This Court clarifies that the **aforesaid discussion should not be taken as laying down a rigid formula as it will be open to the trial Courts to take a different view, if the facts of the case so warrant."**
>
> (Emphasis Supplied)

34. Although, on a superficial reading, the present case might appear to fall within the second scenario delineated in ***Bishwajit Dey (supra)***, where contraband is recovered from the owner's agent (driver) who is arrayed as an accused, however, the application of criminal law cannot be reduced to a rigid or mechanical formula. Each case must be examined in light of its peculiar facts and circumstances. In the present matter, a holistic consideration of the record reveals that the facts do not align strictly with the said category for the following reasons: -

i- *Firstly*, the appellant is the lawful owner with valid documents, and the vehicle was commercially engaged in transporting a valuable consignment of 29,400 MT of iron sheets. It is highly improbable to believe that he would risk both the costly vehicle and the high value consigned goods and his business goodwill by knowingly allowing narcotics to be transported along with the cargo.

ii- *Secondly*, the contraband, *i.e.,* 6 kilograms of *Ganja* was recovered from the four chargesheeted accused persons.

iii- *Thirdly*, the appellant was not arraigned as an accused and the chargesheet contains no material suggesting that the appellant had knowledge of or connived in the offence.

iv- It can thus, safely be presumed that the said contraband must have been procured by the drivers and/or the *khalasis* without the knowledge or connivance of the appellant.

35. In view of the above, while the present case may technically correspond to the second scenario as enumerated in paragraph 29 of ***Bishwajit Dey***

(supra), the peculiar factual matrix warrants a more pragmatic approach. It would, therefore, be expedient in the interest of justice to grant interim custody of the vehicle to the appellant, as the overall circumstances clearly indicate his *bonafides* and absence of any involvement in the drugs being carried in the vehicle.

36. In wake of the discussion made hereinabove, the appeal deserves to succeed. The impugned judgment dated 20th December, 2024 passed by the High Court is accordingly set aside. The vehicle bearing Registration No. TN 52 Q 0315 shall be released on *supurdagi* to the appellant on such terms and conditions, which the Special Court may impose.

37. The appeal is allowed accordingly.

38. Pending application(s), if any, shall stand disposed of.

.....J.
(VIKRAM NATH)

.....J.
(SANDEEP MEHTA)

NEW DELHI;
OCTOBER 27, 2025.