



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE AVANINDRA KUMAR SINGH
ON THE 5th OF FEBRUARY, 2026

CRIMINAL REVISION No. 484 of 2026

SURESH YADAV

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Rohit Sohgaura - Advocate for the applicant.

Shri Mukesh Shukla - Government Advocate for State of M.P.

ORDER

Heard on the question of admission.

With the consent of learned counsel for the parties this revision is heard finally.

2. This revision is filed against the order dated 31.12.2025 passed by learned Special Judge, N.D.P.S.. Act, Katni in SC N.D.P.S. 63 of 2025.

3. The aforesaid order has been challenged on the ground that the applicant has no connection with the alleged crime and he has been falsely implicated. No cogent reason has been assigned for rejecting the application for Supurdnama of the Pick Up No. M.P.-18-Z.A. 9627.

4. It is further submitted that the entire reading of the prosecution case/charge-sheet it is clear that co- accused was carrying contraband substance and he was travelling as a passenger to travel from Amiliya



to Kamore. The applicant was unaware regarding the fact that co-accused was carrying contraband substance, hence this on this ground alone the applicant deserves to be enlarged on bail.

5. It is further submitted that under N.D.P.S. Act read with Cr.P.C. custody of the vehicle can be given to the owner and if it is not given then there is possibility of damage to the vehicle or the vehicle may become dysfunctional.

6. Learned Government Advocate for the State submits that the order of the trial court is well justified and this revision should be dismissed.

7. It is seen that perhaps due to cut and paste the ground no.4 is mentioned as "the applicant deserves to be enlarged on bail." This typographical error is ignored.

8. On perusal of the order of learned trial court dated 31.12.2025, it is seen that on 31.12.2025 the first Superdnama application which was earlier filed was not pressed. It was dismissed on the same day. Second Superdnama application was filed on which arguments were heard by the trial court.

9. Against the present applicant and other co- accused Badi Pardhi a Crime No.397 of 2025 r/w Section 8/20 of N.P.D.S. Act was registered and charge-sheet has been filed and now the case is registered as Case No.63 of 2025.

10. Pick Up No. M.P.-18-Z.A. 9627 is registered in the name of



the present applicant - Suresh Yadav.

11. As reflected from the order and arguments of learned counsel for both the parties 18kg and 600 gram was recovered from the joint possession of the applicant and Badi Pardhi.

12. It is seen that the trial has to take place. In the charge -sheet the Police has indicated that both the accused persons i.e. present applicant and other co- accused Badi Pardhi are involved in the crime under N.D.P.S. Act as stated above.

13. Hon'ble Supreme Court in Denash Vs. State of Tamil Nadu 2025 SCC OnLine SC 2276 has held as under :-

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.

14. Therefore what emerges from careful reading of the judgment of Hon'ble Supreme Court as held in the case of **Bishwajit Dey Vs. State of Assam** passed by Hon'ble Supreme Court in Cr.A. No.87 of 2025, vide order dated 7.1.2025 in the first and second situation as mentioned in sub para-29 of Para 33 in the case of **Denash** (supra) where owner and driver of the vehicle is the person from whom the contraband substance is recovered till reverse burden is not discharged by the accused, the vehicle may not be released. Hon'ble Supreme Court has also in the case of **Denash** (supra) has held that strict jacket formula cannot be applied and each case has to be examined in the in the facts and circumstances of the case.

15. In the case of **Denash** (supra) for the reasons mentioned in para-34, Hon'ble Supreme Court in a case where 6 km Ganja was recovered from four charge sheeted accused in a vehicle in which Iron - sheets were being caried granted temporary supurdnama of the vehicle.

16. In the case of **Denash** (supra) as very fairly admitted by learned counsel for the applicant owner was not driver of the vehicle



from whom contraband substance was recovered but in this case owner and driver of the vehicle is the same person and is an accused.

17. It is also seen that in the case of **Denash** (supra) Hon'ble Supreme Court granted temporary custody of the vehicle because 29,400 MT of iron sheets were loaded in the in the involved vehicle whereas in the case at hand no other material except Ganja in sacks was being carried as reflected from Annexure A-2, memorandum under Evidence Act. Therefore facts of both the cases are different.

18. All other facts have to be established during trial by way of cross-examination.

19. In the facts and circumstances of the case the order dated 31.12.2025 cannot be said to be perverse. Accordingly this revision cannot be allowed and it is dismissed.

(AVANINDRA KUMAR SINGH)
JUDGE

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