

(2026) 08 JH CK 3721
In the Jharkhand High Court
Case No : Cr.M.P. No.318 of 2026

Md. Shahil Ansari

APPELLANT

Vs

The State Of Jharkhand

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

B.N.S.S., 2023 — Section 528

B.N.S. 2023 — Sections 111(2)(ii), 317(2), 318(4), 319(2), 336(3), 338, 340(2), 3(5)
Information Technology Act, 2000 — Sections 66(B)(C)(D)

Citation : (2026) 08 JH CK 3721

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Mr. Rahul Ranjan, Mr. Shailendra Kuamr Tiwari

Final Decision : Allowed

Judgement

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY *By the Court:-*

I.A. No. 10510 of 2026

Heard the parties. Learned counsel for the petitioner submits that instant interlocutory application has been filed for early hearing.

Since the hearing of this Cr.M.P. is taken up today, hence, this interlocutory application is disposed of being infructuous.

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2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the B.N.S.S., 2023 with the prayer to quash the order dated 21.06.2025 passed by the learned Special Judge, Cyber Crime, Jamtara in Misc. Criminal Application No. 306 of 2025 in connection with Jamtara Cyber Crime P.S. Case No. 25 of 2025 registered for the offences punishable under Sections 111(2)(ii), 317(2), 318(4), 319(2), 336(3), 338, 340(2), read with Section 3(5) of the B.N.S. 2023 and under Sections 66(B)(C)(D) of the

Information Technology Act, 2000 whereby and where under the learned Special Judge, Cyber Crime, Jamtara has rejected the prayer of the petitioner for release of the seized Mahindra Scorpio (SUV) bearing Registration No. JH10-CY-4845 in his favour on the ground that the petitioner being the brother of one of the co-accused persons is at legal obligation to explain that in what circumstance, his such vehicle was found as tool and facility for the commission of Cyber Crime.

3. It is submitted that learned counsel for the petitioner that in connection of said Cyber Crime Jamtara, P.S. Case No. 25 of 2025, investigation is already over and charge-sheet has been submitted, the copy which has been annexed as Annexure-02, page 43 to 48 of this Cr.M.P. It is next submitted that the undisputed fact remains that the petitioner is the registered owner of the said vehicle. The investigating Officer of the case was free to ask any question from the petitioner in respect of the said offence.

4. It is next submitted that the undisputed fact remains that the Mahindra Scorpio (SUV) vehicle is lying under the open sky and within the premises of the Jamtara, Cyber Crime Police Station.

5. Learned counsel for the petitioner submits that the vehicle concerned being the Scorpio vehicle, is lying unattended under the open sky within the premises of the police station, hence, the said vehicle of the petitioner will lose its utility and the condition of the vehicle will deteriorate, diminishing its value and since the investigation is over, there is no rhyme or reason to still keep the vehicle in the custody of the police. It is further submitted that if the said vehicle is released in his favour, the petitioner undertakes not to tamper with the identification of the said vehicle in any manner during the pendency of this case. He further undertakes that the petitioner will not sale, mortgage or transfer the ownership of the vehicle during the pendency of the case or allow anybody else to use the same and petitioner shall produce the vehicle as and when required by the Court; beside that the petitioner is ready and willing to furnish an indemnity bond of Rs.17,00,000/- with two solvent sureties. Hence, it is submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

6. Learned Spl.P.P. on the other hand vehemently opposes the prayer of the petitioner made in this Criminal Miscellaneous Petition and submits that there is no illegality in the impugned order. Hence, it is submitted that this Criminal Miscellaneous Petition, being without any merit, be dismissed.

7. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is submitted that the undisputed fact remains that the petitioner is the registered owner of the vehicle which is corroborated by the report submitted to the Learned Additional Sessions Judge-cum-Special Judge, Cyber Crime Cases, Jamtara, the copy of which has been kept at page-49, Annexure-03 of this Cr.M.P. The undisputed fact also remains that charge-sheet has already been submitted in this case, consequent upon, completion of investigation in this case. It is needless to mention that it is a

settled principle of law that the vehicles should not ordinarily be allowed to remain under open sky within the premises of the police station unless for any cogent reason such detention is required.

8. Now coming to the facts of the case, this Court is of the considered view that this a fit case where the seized vehicle in connection with Jamtara Cyber Crime P.S. Case No. 25 of 2025 ought to have been released by the learned Additional Sessions Judge-cum-Special Judge Cyber Crime, Jamtara in favour of the petitioner but having not done so, the impugned order dated 21.06.2025 passed in Misc. Criminal Application 306 of 2025 by the Additional Sessions Judge-cum-Special Judge Cyber Crime, Jamtara is not sustainable in law, hence, the learned Sessions Judge-cum-Special Judge, Cyber Crime, Jamtara is directed to release the said 'Mahindra Scorpio' vehicle bearing Registration No. JH10- CY-4845 on furnishing an indemnity bond of Rs. 17,00,000/- with two solvent sureties of the like amount each, with the conditions that petitioner shall not sale, mortgage or transfer the ownership of the vehicle during the pendency of the case or allow anybody else to use the same and that the petitioner shall not tamper with the identification of the aforesaid vehicle in any manner and shall produce the aforesaid vehicle as and when required by the court and any other condition that may be imposed by the learned trial court.

9. In the result, this Criminal Miscellaneous Petition is **allowed**.