



2026:AHC:94456

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 30265 of 2025

Mohd. Chand

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)

: Gurfan Ali

Counsel for Respondent(s)

: G.A.

A.F.R.

Court No. - 53

HON'BLE SANDEEP JAIN, J.

1. The petitioner has filed the instant writ petition under Article 226 of the Constitution of India challenging the impugned order dated 16.06.2025 passed by the District Magistrate, Baghpat, in Case No.1024 of 2024, Computerized Case No.D202411080001024 (State vs. Mohd. Chand), under Section 5-A of the Uttar Pradesh Prevention of Cow Slaughter Act, 1955, whereby his Mahindra Pickup Registration No.DL-1L-AL1964 has been confiscated in favour of the State for transporting beef of five cows and against the order of the Commissioner, Meerut Division, Meerut dated 14.11.2025 passed in Case No.2386 of 2025, Computerized Case No.C202511000002386 (Mohd. Chand vs. State of U.P. and others), under Section 5-A(8) of the Act of 1955, whereby the appeal preferred by the petitioner has been dismissed and consequently the order of the District Magistrate, Baghpat dated 16.06.2025 has been affirmed.

2. Factual matrix is that on 18.10.2024 at 1:40 hours while checking suspecting vehicles and persons, the police on getting information, stopped the Bolero Vehicle No.DL-1L-AL1964, in which, on search made beef of five cows were found. According to the FIR, the head and legs of the cows were visible. Accordingly, the police also arrested the persons travelling in the above vehicle after a brief encounter. An FIR in this matter was registered on 18.10.2024 at 5:33 hours, being Case Crime No.347 of 2024, under Sections 109 of the B.N.S., 2023, Sections 3, 5, 5A/8 of the Uttar Pradesh Prevention of Cow Slaughter Act, 1955 and Section 25, 27 and 3 Arms Act, 1959 against the accused Chand and

Saddam.

3. Since beef was found in the above vehicle, the District Magistrate, Baghpat issued notice to the petitioner for confiscating the above vehicle and after hearing the parties by order dated 16.06.2025, the vehicle was confiscated/seized on the ground that it was transporting beef of five cows, which was prohibited. The petitioner challenged the above order by filing appeal, which was also dismissed by the Commissioner, Meerut Division, Meerut by impugned order dated 14.11.2025. By way of the instant writ petition, both the above orders have been challenged by the petitioner.

4. Learned counsel for the petitioner submitted that according to the prosecution case, the vehicle of the petitioner having Registration No.DL-1L-AL1964 was transporting beef of five cows on 18.10.2024, but as per the report of the veterinary doctor, no conclusive opinion was expressed regarding the origin of the above meat.

5. Learned counsel submitted that the burden lies upon the prosecution to prove that the alleged meat seized from the vehicle of the petitioner was beef and unless and until, this fact was proved beyond doubt, the vehicle of the petitioner cannot be confiscated by the State.

6. Per contra, learned AGA submitted that he has filed his counter affidavit on behalf of the State enclosing meat examination report, which also disclosed that the seized meat was suspected of cow or its progeny. Learned AGA admitted that there is no documentary evidence on record to conclusively prove that the seized meat was beef.

7. I have heard the learned counsel for the parties and perused the documents on record.

8. Section 2(a), 5 and 5-A of the Uttar Pradesh Prevention of Cow Slaughter Act, 1955 reads as under:

"2(a) beef means flesh of cow but does not include such flesh contained in sealed containers and imported as such into Uttar Pradesh;"

"5. Prohibition on sale of beef-Except as herein excepted and notwithstanding

anything contained in any other law for the time being in force, on person shall sell or transport or offer for sale or transport or cause to be sold or transported beef or beef-products in any form except for such medicinal purposes as may be prescribed.

Exception.-A person may sell and serve or cause to be sold and severed beef or beef-products for consumption by a bonafide passenger in an aircraft or railway train."

***"5-A. Regulation on transport of cow, etc. - (1)** No person shall transport or offer for transport or cause to be transported any cow, or bull or bullock, the slaughter whereof in any place in Uttar Pradesh is punishable under this Act, from any place within the State to any place outside the State, except under a permit issued by an officer authorised by the State Government in this behalf by notified order and except in accordance with the terms and conditions of such permit.*

(2) Such officer shall issue the permit on payment of such fee not exceeding [five hundred rupees] for every cow, bull or bullock as may be prescribed :

Provided that no fee shall be chargeable where the permit is for transport of the cow, bull or bullock for a limited period not exceeding six months as may be specified in the permit.

(3) Where the person transporting a cow, bull or bullock on a permit for a limited period does not bring back such cow, bull or bullock into the State within the period specified in the permit, he shall be deemed to have contravened the provision of sub-section (1).

(4) The form of permit, the form of application therefor and the procedure for disposal of such application shall be such as may be prescribed.

(5) The State Government or any officer authorised by it in this behalf by general or special notified order, may, at any time, for the purpose of satisfying itself, or himself, as to the legality or propriety of the action taken under this section, call for and examine the record of any case and pass such orders thereon as it or he may deem fit].

(6) Where the said conveyance has been confirmed to be related to beef by the competent authority or authorised laboratory under this Act, the driver, operator and owner related to transport, shall be charged with the offence under this Act,

unless it is not proved that the transport medium used in crime, despite all its precautions and without its knowledge, has been used by some other person for causing the offence.

(7) The vehicle by which the beef or cow and its progeny is transported in violation of the provisions of this Act and the relevant rules, shall be confiscated and seized by the law enforcement officers. The concerned District Magistrate/Commissioner of Police will do all proceedings of confiscation and release, as the case may be.

(8) The cow and its progeny or the beef transported by the seized vehicle shall also be confiscated and seized by the law enforcement officers. The concerned District Magistrate/ Commissioner will do all proceedings of the confiscation and release, as the case may be.

(9) The expenditure on the maintenance of the seized cows and its progeny shall be recovered from the accused for a period of one year or till the release of the cow and its progeny in favour of the owner thereof whichever is earlier.

(10) Where a person is prosecuted for committing, abetting, or attempting to an offence under Sections 3, 5 and 8 of this Act and the beef or cow-remains in the possession of accused has been proved by the prosecution and transported things are confirmed to be beef by the competent authority or authorised laboratory, then the Court shall presume that such person has committed such offence or attempt or abetment of such offence, as the case may be, unless the contrary is proved.

(11) Where the provisions of this Act or the related rules in context of search, acquisition, disposal and seizure are silent, the relevant provisions of the Code of Criminal Procedure, 1973 shall be effective thereto."

9. It is clear from Section 2(a) of the Act, 1955 that "beef" means flesh of cow and as per Section 5 of the Act, the transportation of the beef is prohibited. It is also apparent that under Section 5-A (7) of the Act, 1955, the vehicle can only be confiscated if beef is transported in it. The burden lies upon the State to prove that the meat seized from the vehicle of the petitioner was beef, but as per the meat examination report dated 18.10.2024, the seized meat was suspected to be of cow or its progeny. The meat was examined at Veterinary Hospital, Baghpat, but the Examiner was not confident about the origin of the meat and for this

reason, he requested for confirmatory diagnosis of meat samples, but a report in that behalf is not available on record. As per Section 5-A(6) of the Act, a report of authorized laboratory confirming beef is mandatory for initiating proceedings under this Act.

10. It is evident that the Examiner was not confident whether the seized meat was beef or not, as such, without conclusively proving that the seized meat was beef, the vehicle of the petitioner could not have been confiscated in the instant case. The Authorities below without examining this issue has proceeded to confiscate the vehicle of the petitioner, which is arbitrary, illegal and unwarranted under the provisions of the Act of 1955.

11. The Apex Court in the case of *Indibly Creative Private Ltd. And Others vs. Government of West Bengal And Others (2020) 12 SCC 436*, has granted compensation for consequential financial losses caused by State authorities. In this case the petitioner has suffered violation of fundamental rights under Articles 19(1)(a) & (g), 14 and 21. The respondent State authorities were directed to pay compensation of Rs 20 lakhs, which was a huge amount. The relevant para is extracted hereinbelow:-

“52. As a consequence of the pulling off of the film from the theatres where it was screened on 16-2-2019, the petitioners have suffered a violation of their fundamental right to free speech and expression and of their right to pursue a lawful business. This has been occasioned by the acts of commission and, in any event, of omission on the part of the State in failing to affirm, fulfil and respect the fundamental freedoms of the petitioners. We are clearly of the view that a remedy in public law for the grant of remedial compensation is required in the present case. We order and direct the respondents to pay to the petitioners compensation which we quantify at Rs 20 lakhs within a period of one month from the date of the present judgment.”

12. It is apparent that due to illegal and arbitrary action of the functionaries of the State, the petitioner has suffered serious economic loss because the vehicle was a transport vehicle, which was the source of livelihood of the petitioner. The petitioner has been deprived from earning through this vehicle, since 18.10.2024, when it was illegally seized by the respondents. A period of more than 18 months has elapsed since then. In

the facts and circumstances of this case, for the economic loss/deprivation caused to the petitioner and to compensate for the arbitrary action of the State, it would be appropriate to award damages of Rs. 2 lacs to the petitioner.

13. In view of the above facts, the instant writ petition has merit and is liable to be allowed.

14. **Accordingly, the writ petition is allowed** and the impugned order dated 16.06.2025 passed by the District Magistrate, Baghpat and 14.11.2025 passed by the Commissioner, Meerut Division, Meerut, are hereby quashed.

15. The State is directed to pay damages of Rs.2 lacs (two lacs) to the petitioner within a period of seven days. The State is at liberty to recover the above amount of damages from the respondent no.2,3 and 4, in accordance with law.

16. The respondents are directed to release the Vehicle No.DL-1L-AL1964 within three days to the petitioner.

(Sandeep Jain,J.)

April 27, 2026

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