



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

CRIME BRANCH CIRCULAR No. 02 /2025

Sub: Standard Operating Procedure for Seizure, Custody & Disposal of Seized Property

1. Introduction

In Cr.P.C the disposal of property was dealt from Sec. 452 to 459 Cr.P.C, in BNSS it is dealt Sec. 497 to 505 of BNSS-2023. The procedure of disposal of property is identical in Cr.P.C and BNSS. The prime duty of police is to look after the safe custody of the property seized from the date of seizure till the appeal period is over and carry out the order of court for disposal of property.

2. Definition

- Property includes any kind of documents which is produced before the court or which is in its custody [Sec. 497(1) (a) BNSS].
- Any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence [Sec. 497(1)(b) BNSS].
- In case of property regarding which an offence appears to have been committed, not only such property has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchanged within immediately or otherwise. [Sec. 498(5) BNSS].

3. Disposal Of Property

The Police officer may seize any property either under section 106 of BNSS or during investigation of cognizable offences.

- i. Seize unclaimed property
- ii. Seize Perishable or Immovable Property
- iii. Seize Claimed Property/ Vehicles

4. Process to be followed by Police Officer Immediately after seizure

- a. The police officer should ensure entry of such property in the Malkhana Register of the Police Station (PMR-119 and in PM Form No.18).
- b. The valuable goods such as cash/ jewellery be kept under proper key and lock in a box /chamber inside the PS Malkhana or deposit in the Court.
- c. The Malkhana Register (MR) No. generated through CCTNS platform or in case that is not possible then a distinctive identification mark such as Case Number, GR/ST/TR Number / with MR SI No. should be affixed to each seized item.
- d. The Biological exhibits should be dried up properly in room temperature and stored in water resistant moisture free packets or container.
- e. The Malkhana in-charge should take steps to maintain the cleanliness of the Malkhana and prevent damage caused by rats, white ants etc.
- f. Intimate to the Court Magistrate having jurisdiction.

5. Disposal of seized Property

i. By Police

In the following cases, the Police can suo moto dispose off or release in zima the seized property without obtaining any order from any court.

If the seized property by the Police falls in any of the following category, then the Police officer can release the seized property in the custody or zima of any person on executing a Zima Nama and an undertaking to produce the same in the court as and when required.

- where it is not possible to conveniently transport the seized property to the court
- where there is difficulty in securing proper accommodation of the custody
- where continued retention in the Police custody is not necessary for the purpose of investigation

If the property seized by the Police fulfils the below mentioned three criteria, then the same may be sold by auction as per the order of the Superintendent of Police and the sale proceeds shall be dealt as per Sec. 503 and 504 of BNSS.

- Where the seized property is subject to speedy and natural decay
- If the owner or claimant is unknown or absent
- The value of the property is less than five hundred rupees

ii. By orders of the Court

a. When the claimant is unknown

- In case of unclaimed seized property, the Police officer should make a prayer to the court to order for its disposal.
- The police officer should take steps for issue of a proclamation of such unclaimed property through the court to establish its ownership.
- Proclamation should also be made for the owner to appear and put his claim over the property with sufficient proof within 6 months.
- The police officer should release the property to the owner as per order of the court.
- In case, no claimant is established within 6 months from the date of issue of proclamation by the Court, the court would order the property under the disposal of the Govt.
- The Govt may either sell the property and the records of such sale shall be dealt as per the Rules made by the Govt in that behalf. [Sec. 504 BNSS].
- Disposal of Perishable Property:

If the seized property is

- Perishable one and subject to speedy natural decay
- The value of such property is less than 10 thousand
- The claimant is unknown or absent,
- The sale of such property would benefit the owner

Then, the police officer shall obtain order from the Magistrate for its sale and the sale proceeds shall be dealt as per the Rules made by the Govt in that behalf.

b. When the claimant is known

The police officer before releasing the property to the claimant / owner should follow the following procedure:

- Should produce such property in the Court empowered to take cognizance of the offence under which the property is seized.
- The court within a period of 15 days of production would prepare statement of property as per the forms prescribed by the Govt. on this behalf.
- The photograph /videograph of the property from all angles should be taken by any electronic mode including mobile phones.
- The court within a period of 30 days after preparation of 'Statement of Property' and taking of photo/video, would order its disposal, destruction, confiscation or delivery to its rightful owner.

- The 'Statement of Property' prepared by court and the photos/ videos of the property should be used as evidence in course of trial, inquiry or other proceedings.
- The drugs, food, drink or medical preparations seized under section 274, 276 and 277 of BNS should be destroyed upon conviction by the court.
- The literature and object (defamatory, obscene objects sold to children, seized under sec. 294, 295, 356 BNS) which are in the custody of the court, or remain in the custody of such person as on the date of conviction should be destroyed.

Disposal of seized vehicles

Advisory issued vide this office Letter No. 20451/CID-PRS dt. 21/12/2022 & No. 6068/ CID. PRS dt. 31/01/2022 in pursuance of the order of Hon'ble High Court of Orissa passed in WP(C)No -31622 of 2021 (Asish Ranjan Mohanty Vrs State of Odisha & others) in the matter of disposal of vehicles should be followed.

Note: The Standard Operating Procedure (SOP) is subject to modification based on feedback from field units, post implementation of new Criminal Law.

Vine
16/1/25

(Vinaytosh Mishra, IPS)
Director General of Police,
CID, Crime Branch, Odisha.

Memo No. 833 /CID-Law

Date: 16 .01.2025.

Copy forwarded to:

- All Dist. SsP including DCsP, Bhubaneswar / Cuttack, SsRP Cuttack/ Rourkela, SsP HRPC/ CAW & CW/ EOW/ STF
- D.G of Police, HRPC, Director, SCRB, Addl. D.G of Police Railways & Coastal Security, Commissioner of Police, Bhubaneswar - Cuttack,
- IGP CAW & CW, IGP Training, IGP EOW, DIGP STF
- All Range IsGP / DIsGP
for information and necessary action.

Vine
16/1/25

Director General of Police,
CID Crime Branch, Odisha.