

HON'BLE SRI JUSTICE P.NAVEEN RAO

CRIMINAL PETITION No.31 of 2015

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ORDER:
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The present petition is filed under Section 457 read with Section 482 of Cr.P.C. seeking release of Auto bearing No.AP 01V 9964, which was seized in Crime No.163 of 2014 of Kubeer Police Station, Adilabad District, registered for the offences punishable under Sections 34 (e) of A.P.Excise Act and Section 7-A read with 8(e) of A.P.Prohibition Act.

The facts in issue are as under:

On receipt of the credible information, the police intercepted an Auto bearing No.AP 01V 9964 of Mahindra Alfa Brand, belonging to Kuber Village while carrying 90 Kgs. of Black Jaggery and 2 Kgs. of Alum and 8 liters of Gudumba and the same was seized.

Learned counsel for the petitioner mainly submits that the petitioner, who is the owner of the vehicle was not present at the time of the alleged incident and that no useful purpose would be served in keeping the vehicle idle in the police station.

The learned Additional Public Prosecutor though opposed the application but however contends that there is no dispute with regard to ownership of the vehicle and the vehicle being in the custody of the third respondent, he pleads that stringent condition may be imposed against the petitioner.

In ***Surenderbhai Ambalal Desai v. State of Gujarat***^[1], the Apex Court has laid down that in case of vehicles seized during investigation, they should not be allowed to deteriorate by being kept unused and unattended in the premises of the Police Stations. Therefore, the vehicle has to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

Taking into consideration the facts and circumstances of the case and having regard to the principles of law laid down by the Apex Court in the decision stated supra, I am inclined to grant interim custody of the vehicle Auto bearing No. AP 01V 9964 seized in Crime No.163 of 2014 of Kubeer Police Station, Adilabad District, in favour of the petitioner/A2, provided the vehicle is in the custody of the respondents and no confiscation proceedings are initiated, on the following terms and conditions:

- i) The petitioner shall execute a personal bond for Rs.50,000/- (Rupees fifty thousand only) to the satisfaction of the third respondent.
- ii) The petitioner shall produce the original Registration Certificate of the vehicle in the Court.
- iii) The petitioner shall give an undertaking to produce the vehicle as and when required and also an undertaking not to alienate, encumber or alter the physical features of the vehicle bearing registration No.AP 01V 9964;
- iv) This order shall not preclude the authorities in proceeding further in accordance with law.

Accordingly, the Criminal Petition is allowed.

As a sequel thereto, Miscellaneous Petitions pending if any in this criminal petition, shall stand closed.

P.NAVEEN RAO, J

13.01.2015

Note:

Issue C.C. today

B/o.

vhb/prv

[\[1\]](#) (2002) 10 SCC 283