THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

W.P.NO.29594 OF 2016

O R D E R

Vide the present petition, petitioner seeks a direction to respondents 1 and 2 – officials of Narcotic Control Bureau, to withdraw the letter issued by them to the 3rd respondent - Regional Transport Officer in proceedings No.48/1/2/2014/NCB/Sub-Zone/Hyd/282 dated 30.07.2014 to freeze the transactions of the petitioner's vehicle bearing temporary registration No.TSO 7 TR 5967, and consequently to direct the 3rd respondent to issue permanent registration to the said vehicle of the petitioner.

It is stated in the affidavit filed in support of the petition that petitioner had purchased a brand new Tata Safari Vehicle on 26.7.2014 from TATA showroom at Hyderabad after paying life tax and other applicable taxes including insurance. The 3rd respondent issued temporary registration No.TS 07 5967 and the same should be permanently registered within one month there from otherwise penalty will be levied by the RTA authorities as per the rules in vogue.

It is stated that the 1st and 2nd respondents seized Ephedrine, a controlled substance from one Sai Priya chemicals Factory, Bacharam village, Hayathnagar mandal at Hyderabad and arrested the petitioner alleging his involvement in NCB.F.No.48/1/2/2014/NCB/Sub-Zone/Hyd and was remanded to judicial custody on 11.7.2014 and later was released on bail in the month of June, 2015. After registering the crime against the petitioner, respondents 1 and 2 have taken the custody of the above said vehicle of the petitioner and after verifying the documents, given back the vehicle to the wife of the petitioner in the month of July, 2014 itself. Thereafter, the investigating agency i.e., the respondents 1 and 2, after completing the investigation, final report / charge sheet was filed before the Metropolitan Sessions Judge Court, Cyberabad at L.B. Nagar, Rangareddy District in the month of March, 2015 and the same was numbered as S.C.No.52/2015. The investigating agency has not observed anything about the presence of the vehicle in the crime in the investigation done by them. The same is evident from the charge sheet. Accordingly the petitioner has approached the respondent No.3 for permanent registration of his vehicle and the same was rejected by the authorities concerned based on the above said letter dated 30.07.2014 and in the records of RTA, the vehicle of the petitioner was shown as crime vehicle.

The learned counsel appearing on behalf of the petitioner submits that without permanent registration, the petitioner cannot not ply the vehicle on the roads, as he shall be required to pay the penalty to the Transport Department as well as to the Traffic Police as long as the vehicle is not registered.

Learned counsel on behalf of the respondents on instructions submit that on the basis of voluntary statements of Fayyaz Ahmed Rasool Shaik (A-1), O.P.Srinivas (A-2), Sunil Singh Sardar (A-4), Samer C.Pinjar (A-5), P.Krishtiah (A-11), summons were issued to D.Laxman Goud, Proprietor of Sai Priya Chemicals, Village Bacharam, to remain present before Investigation Officer, NCB, Hyderabad Sub Zone. Accordingly he presented himself at NCB Office, Sub Zone on 24.12.2014 to depose his voluntary statement under Section 67 of NDPS Act, 1985. As per his confessional and voluntary statement, he helped other accused in manufacturing amphetamine and ephedrine in the Sai Priya Chemicals, Bacharam without any agreement. D.Laxman Goud was arrested on 24.12.2014 at 21-00 hours for contravening the provisions of Sections 8(c) and 9-A, punishable under Sections 25, 25-A, 28, 29 and 38 of NDPS Act, 1985. D. Laxman Goud was produced before VIII Metropolitan Magistrate at Hayatnagar on 25.12.2014 and the Magistrate concerned sent D.Laxman Goud to judicial custody.

The learned counsel further submitted that one of the accused in the aforesaid case, Fayaz Ahmed Rasool sheik has stated in his voluntary statement dated 7.7.2014 that he had given Rs.9,00,000/- to P.Srinivas, the petitioner herein, for purchase of new four wheeler and the amount is sale proceeds of earlier supply of Amphetamine. As per statement of ledger account received from M/s Tejaswi Motors Pvt. Ltd., Madhapur, wherefrom the vehicle in question has been purchased, the payment for purchase of vehicle, has been made in cash.

He further stated that the petitioner has never approached NCB Hyderabad office with proof of source of income and the tax returns of the relevant year in which the vehicle was purchased. Thus this vehicle was purchased from the ill-gotten money. Therefore, the petitioner does not deserve to use the vehicle.

The fact remains that the vehicle has already been released by the respondents 1 and 2. Denying the permanent registration has no logic for the reason, the vehicle of the petitioner is having temporary registration and if no permanent registration is given, he has to pay penalties to the traffic and transport authorities.

Be that as it may, since the vehicle has been purchased by the petitioner, the issue whether the said vehicle was purchased by the ill-gotten money as stated by one of the accused, is the issue to be decided during the process of trial. Therefore, let the vehicle be given permanent registration.

Accordingly respondents 1 and 2 are directed to issue a letter to the 3rd respondent to register the Tata Safari vehicle of the petitioner, which has been given temporary registration No.TS07 TR 5967.

I hereby make it clear that the petitioner shall not dispose of the vehicle or create any third party interest therein.

Further make it clear that if the respondents come to the conclusion that the vehicle was used in the commission of crime, and the same is required for the purpose of evidence or otherwise, petitioner is directed to produce as and when required by the respondents.

In view of the above direction, the writ petition is disposed of. No costs.

Miscellaneous petitions pending if any, shall stand closed.

AVS

16—09—2016