

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44542 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 3rd respondent in seizing the petitioner's vehicle Motor Cycle Dio Electric AS&KS&CBS BSIII bearing No.TS 09EG 3385 in FIR No.188 of 2016, as illegal and arbitrary and consequently direct the 3rd respondent to release the petitioner's vehicle forthwith.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner is the registered owner of Motor Cycle Dio Electric AS&KS&CBS BSIII bearing No.TS 09EG 3385 and that the said vehicle was seized by the 3rd respondent in FIR No. 188 of 2016 as the said vehicle was involved in carrying 32 liquor bottles, which were found in the said vehicle at the time of search made by the Sub-Inspector of Police, Malkajgiri Police Station, at Malkajgiri X Road. The main grievance of the petitioner is that the petitioner is no way connected with the alleged crime and that the petitioner does not know the accused.

Learned counsel for the petitioner submits that if the vehicle is exposed to sun and rain and is kept idle, it would be damaged and that if the vehicle is not released to the petitioner, the petitioner will be put to irreparable loss and hardship. He further submits that the petitioner is ready and willing to furnish security for release of the vehicle and also produce the vehicle as and when required by the concerned Magistrate.

Learned Government Pleader also submitted that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, it is directed that vehicle i.e. Motor Cycle Dio Electric AS&KS&CBS BSIII bearing No.TS 09EG 3385 shall be released for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of main case, on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like sum each and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the criminal case and further he shall undertake to produce the vehicle as and when required by the concerned Magistrate. The said order will not stand in the way of the confiscation proceedings.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

Date: 21st December, 2016

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