

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.2284 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner, seeking a direction to the Station House Officer, Devanpally Police Station, Kamareddy District to release the vehicle bearing registration No.AP-37U 3861 to the custody of petitioner.

2. Heard the learned counsel for petitioner, learned Assistant Public Prosecutor and perused the record.

3. It is contended that the petitioner is the owner of the Jeep bearing registration No.AP-37U 3861. The petitioner has nothing to do with the ganja, which was being transported by other accused in bags and the petitioner is not aware of the same. If the Jeep is kept in the custody of Police, it will get damaged. The petitioner is eking his livelihood by plying the said Jeep and ultimately, prayed to allow the application.

4. The learned Additional Public Prosecutor opposed for release of the Jeep.

5. As per the prosecution case, the petitioner was plying the Jeep on hire basis to eke out his livelihood and there is no dispute that the Jeep bearing registration No.AP-37U 3861 does not belong to the petitioner. The other accused in this case, while carrying ganja in bags in the said Jeep, were caught red-handed. Pursuant to their confession, the Jeep was seized. It is

also submitted by the learned Assistant Public Prosecutor that the petitioner is also involved in similar offences.

6. The allegations levelled against the petitioner are grievous in nature. If the allegations are proved, the subject ganja is liable for confiscation. At this stage, it is difficult to sustain that the petitioner has no knowledge of transporting of ganja by other accused by the said Jeep. There is possibility of the petitioner using the said Jeep to transport ganja. The Court below, while dealing with the application for release of the Jeep, dismissed CrI.M.P.No.12/2018 in Cr.No.194/2017 of Devanpally Police Station by order dated 22.01.2018. This Court do not find any infirmity in the order of the Court below warranting interference under Section 482 Cr.P.C. The Criminal Petition is devoid of merits and is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

05.03.2018
MVA