

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.7983 of 2019

ORDER

The present Criminal Petition is filed under Section 482 Cr.P.C. questioning the order, dated 06.11.2019 passed in Crl.M.P.No.884 of 2019 in Cr.No.199 of 2019 by the I Additional District and Sessions Judge, Nalgonda.

2. The case of the prosecution is that on 17.07.2019 at 20.30 hours, while the Sub-Inspector of Police along with his staff were conducting vehicle check near N-Grill Hotel, Peddkaparthi on NH 65 road, they stopped a Maruthi Swift VDI car bearing No.TS-05-EG-5599 on suspicion and found two persons in the car and on search, they found 2 Kgs of ganja packets in a cover, and on enquiry, they revealed that they used to purchase dry ganja from unknown persons and sell the same to needy persons on higher rate. The police seized the said ganja along with the car and registered a case in Crime No.199 of 2019 on the file of Chityal Police Station, Nalgonda District, for the offence under Section 20(b)(ii)(A) of NDPS Act, 1985, against the petitioner/A1 and another. While so, the petitioner claiming to be the owner of said car, filed Crl.M.P.No.884 of 2019 before the I Additional District and Sessions Judge, Nalgonda, seeking to return the same for interim custody. By an order, dated 06.11.2019, the learned Sessions Judge rejected the application. Challenging the same the present revision is filed.

3. Learned counsel for the petitioner submits that there is every possibility of the vehicle getting damaged, if it is kept exposed to air,

sun and rain at the Court premises and hence, he seeks for interim custody of the vehicle.

4. Learned Additional Public Prosecutor though opposed the application, did not dispute the ownership of the vehicle.

5. In ***Surenderbhai Ambalal Desai v. State of Gujarat***¹, the Apex Court held 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.

6. Since there is no dispute with regard to ownership of the vehicle and having regard to the principles of law laid down by the Apex Court in the decision cited supra, I am inclined to grant interim custody of Maruthi Swift VDI Car bearing No.TS-05-EG-5599, which was seized in Cr.No.199 of 2019 on the file of Chityal Police Station, Nalgonda District, in favour of the petitioner on the following terms.

- i) The petitioner shall execute a personal bond for a sum of Rs.3,00,000/- (Rupees three lakhs only) with one surety for a like sum to the satisfaction of the I Additional District and Sessions Judge, Nalgonda.
- ii) The petitioner shall deposit the original Registration Certificate of the vehicle before the Court. However, the trial Court shall issue a certified copy of the registration certificate to the petitioner so that no inconvenience is caused to him while using the vehicle.

¹ (2002) 10 SCC 283

- iii) The petitioner shall give an undertaking to produce the vehicle as and when required either by the Investigating Agency or the Court and also give an undertaking that he will not alienate, encumber or alter the physical features of the vehicle.

7. Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any pending, shall stand closed.

9th December, 2019

sj

JUSTICE G. SRI DEVI



