

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE NO.182 OF 2020

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure questioning the order dated 07.01.2020 in CrI.MP.No.1409 of 2019 on the file of the Special Sessions Judge for the Trial of Cases under NDPS Act-cum-I Additional Sessions Judge at Khammam, in dismissing the application filed by the petitioner for release of his vehicle i.e., Car bearing No.OD-30B-9197, which was seized by the police in Crime No.225 of 2019 of P.S. Yellandu Rural, Khammam District, for the offences punishable under Sections 8(c) read with 20(b) of the NDPS Act, 1985.

The facts in issue are that the petitioner's vehicle i.e., Car bearing No.OD-30B-9197 seized by the police while arresting the accused in Crime No.225 of 2019 of P.S. Yellandu Rural, Khammam District, for the aforesaid offences. The petitioner, claiming to be the owner of the said vehicle, filed CrI.MP.No.1409 of 2019 in Crime No.225 of 2019 of P.S. Yellandu Rural, Khammam District before the Special Sessions Judge for the Trial of Cases under NDPS Act-cum-I Additional Sessions Judge at Khammam, seeking interim custody of the vehicle. By the order dated 07.01.2020, the learned Judge rejected the said application. Challenging the same, the present revision is filed.

Learned counsel for the petitioner submits that the vehicle is of no use for the police and it gathers rust and would be damaged. It is further submitted that the petitioner is the owner of the said

vehicle and it was seized under cover of panchanama which was run by the driver of the vehicle and kept the same in the Police Station. The petitioner is no way concerned or related to the alleged offence and the petitioner has purchased the subject vehicle by obtaining loans from near and dear for his livelihood and if the said vehicle is kept idle there is every likelihood of causing damage to the said vehicle.

Learned Additional Public Prosecutor though opposed the revision, but did not dispute the ownership of the vehicle.

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 vehicles have to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

Since there is no dispute with regard to the ownership of the vehicle 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, Car bearing No.OD-30B-9197, which was seized by the police in Crime No.225 of 2019 of P.S. Yellandu Rural, Khammam District, in favour of the petitioner on the following terms.

- (i) The petitioner shall execute a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for a like sum to the satisfaction of the Special Sessions Judge for the Trial of Cases

¹ (2002)10 SCC 283

under NDPS Act-cum-I Additional Sessions Judge at Khammam.

- (ii) The petitioner shall give an undertaking to produce the said 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.

Accordingly, this Criminal Revision Case is disposed of.

Miscellaneous applications, if any, pending shall stand closed.

26th February 2020
RRB

(G. SRI DEVI, J)

