

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1119 of 2020

ORDER :

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the order, dated 27.01.2020 in Crl.M.P.No.84 of 2020 in Cr.No.361 of 2019 (of Bhadrachalam Town P.S.) on the file of the Special Sessions Judge for Trial of cases under Narcotic Drugs and Psychotropic Substances Act-cum-I Addl. Sessions Judge, Khammam.

2. The petitioner filed Crl.M.P.No.84 of 2020 for grant of interim custody of the Toyota Fortuner Car bearing No.AP36-AG-0229, which was seized in the above crime. The learned Judge, vide impugned order, dismissed the petition. Hence, this Criminal Petition.

3. Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle and if the vehicle is not released, he would be put to irreparable loss. He further submits that if the vehicle is exposed to air, sun and rain, there is every possibility of the vehicle getting damaged and hence, seeks interim custody of the vehicle.

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

5. Learned counsel for the petitioner relied on the decisions reported in **JAGTAR SINGH, SON OF DHYAN SINGH V**

STATE OF RAJASTHAN¹, KISHORE KUMAR CHOUDHURY V STATE OF ORISSA² and **WAISH AHMED V STATE OF WEST BENGAL³**, wherein the High Courts of Rajasthan, Orissa and Calcutta, released the vehicles seized under the NDPS Act, on certain terms and conditions. Further, in **SURENDERBHAI AMBALAL DESAI V STATE OF GUJARAT⁴**, the Apex Court has laid down that in case of vehicle seized during investigation, it should not be allowed to deteriorate by being kept unused and unattended in the premises of the Police Station. Therefore, the vehicle has to be entrusted to the interim custody of the petitioner subject to certain conditions.

6. Since there is no dispute with regard to the ownership of the vehicle and having regard to the principles laid down by the various High Courts and Apex Court in the decisions stated supra, I am inclined to grant interim custody of Toyota Fortuner Car bearing No.AP36-AG-0229, which was seized in Cr.No.361 of 2019 of Bhadrachalam Town Police Station, in favour of the petitioner on the following conditions:

1. The petitioner shall execute a personal bond for a sum of Rs.5,00,000/- (Rupees five lakhs only) with one surety for a like sum to the satisfaction of the Special Sessions Judge for Trial of cases under Narcotic Drugs and Psychotropic Substances Act-cum-I Addl. Sessions Judge, Khammam.

2. The petitioner shall deposit the original Registration Certificate of the vehicle in 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 2017 Law Suit (Raj) 2379

² 2017 Law Suit (Ori.) 240

³ 2019 Law Suit (Cal.) 22

⁴ (2002) 10 SCC 283

3. The petitioner shall give an undertaking to produce the vehicle as and when required either by the Investigating Agency or by 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. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

DATED: 25.02.2020.
Hsd

JUSTICE G.SRI DEVI



