

THE HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL REVISION CASE No.738 OF 2022

ORDER:-

1. Seeking the Court to set-aside the order in CrI.M.P.No.912 of 2021, dated 08.10.2021, on the file of the Court of Special Sessions Judge for trial of cases under the Narcotic Drugs and Psychotropic substances (NDPS) Act, Khammam and consequently to direct the respondents to forthwith release the Eicher Motor Vehicle bearing Registration No.TS-12-UC-0554 in favour of the petitioner, the present Criminal Petition is filed.

2. Heard the submission of Sri S.Balu Mahendra, learned counsel for the revision petitioner as well as the learned Additional Public Prosecutor who is representing Respondent Nos.1 to 3.

3. Learned counsel for the revision petitioner submits that the petitioner, who is the lawful owner of Eicher Motor Vehicle bearing Registration No.TS-12-UC-0554 which was seized in Crime No.425 of 2020 of Bhadrachalam Town Police Station, moved an application vide CrI.M.P.No.912 of 2021 before the Court of Special Sessions Judge for trial of cases under the Narcotic Drugs and Psychotropic substances (NDPS) Act, Khammam, for return of the said vehicle. But the Court dismissed the application directing the Station House Officer,

Bhadrachalam Town Police Station, to deposit the said vehicle before the Drug Disposal Committee concerned and observed that appropriate order relating to the interim custody of the said vehicle would be passed by the said Drug Disposal Committee. Learned counsel states that though the petitioner is time and again trying to move an application before the Drug Disposal Committee, the Committee is not receiving his application and thus, the order rendered in Crl.M.P.No.912 of 2021, dated 08.10.2021, is not given effect to.

4. Learned Additional Public Prosecutor stated that appropriate instructions in that regard may be given.

5. Having considered the submissions thus made, the Criminal Revision Case is disposed of with the following directions:-

(1) The Drug Disposal Committee, Bhadradi-Kothagudem District, is directed to receive the application, if any, filed by the petitioner herein for grant of interim custody of the Eicher Motor Vehicle bearing Registration No.TS-12-UC-0554. In case such application is filed, the same shall be considered and disposed of on merits within a week from the date of filing of the said application.

(2) None of the observations made by this Court in this order shall bind the Drug Disposal Committee.

(3) The said application shall be disposed of basing on its own merits.

6. As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

Dr.JUSTICE CHILLAKUR SUMALATHA

Dt.10.11.2022

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