

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 33757 OF 2023

Between:

Vangaveeti Srinivasa Rao, S/o Satyanarayana, Hindu, Aged 47 years, Occ ; Private Job, R/o H. No. 116, Naseempet, Atmakur Mandal, Suryapet District, Telangana State.

.....PETITIONER

AND

1. The State of Telangana, Home Department, Secretariat, Hyderabad 500 022, T.S., Represented by its Principle Secretary.
2. The Drug Disposal Committee, Khammam cum Commissioner of Police, Khammam, Khammam 507 001, Telangana State.
3. The Station House Officer, Wyra Police Station, Wyra, Khammam District 507 165, T.S.

.....RESPONDENTS

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction particularly a Writ of Mandamus declaring the order dated 03-10-2023 Passed in Crime No.168/2023 of Wyra Police Station of Khammam District by the Drug Disposal Committee, Khammam cum Commissioner of Police, Khammam, Khammam as arbitrary, illegal and consequently direct the respondents to release the petitioners vehicle i.e., Maruti Dzire VDI BSIV vehicle bearing registration No. TS 29 TA 2683 bearing chassis No. MA3CZF03SKL614425 and Engine No. D13A3573892 which was seized by the 3rd respondent police in Crime No.168/2023 forthwith in the interests of justice.

I.A.NO:1 OF 2023

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to give interim custody of petitioner's vehicle i.e., Maruti Dzire VDI BSIV vehicle bearing registration No. TS 29 TA 2683 bearing chassis No. MA3CZF03SKL614425 and Engine No. D13A3573892 which was seized by the 3rd respondent police in Crime No.168/2023 pending disposal of writ petition.

Counsel for the Petitioner : SRI T.P.ACHARYA

Counsel for the Respondents : AGP FOR HOME

The Court made the following ORDER

HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION No.33757 of 2023

ORDER:

This writ petition is filed seeking the following relief:-

“...to issue a Writ, Order or Direction particularly a Writ of Mandamus declaring the order, dated 03.10.2023 passed Crime No.168/2023 of Wyrā Police Station of Khammam District by the Drug Disposal Committee, Khammam-cum-Commissioner of Police, Khammam as arbitrary, illegal and consequently direct the respondents to release the petitioner's vehicle i.e., Maruti Dzire VDI BSIV vehicle bearing registration No.TS 29 TA 2683 bearing chassis No.MA3CZF03SKL614425 and Engine No. D13A3573892 which was seized by respondent No.3-police in Crime No.168 of 2023, forthwith...”

2. The petitioner claims to be the registered owner of Maruti Dzire VDI BSIV vehicle bearing registration No.TS 29 TA 2683 and eking out his livelihood by using the said vehicle as Motor Cab. It is the case of the petitioner that the said vehicle was taken by one Dharavath Krishna for his travel and the said vehicle was seized while transporting ganja and a case in Crime No.168 of 2023 was registered against Dharavath Krishna and others.

For the offences punishable under Section 8 (c) read with 20 (b) (ii) (c) of NDPS Act.

3. Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle and if the vehicle is not released, it would be put to irreparable loss. He 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. He further 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 Act, on certain terms and conditions. Further, in **Surenderbhai Ambalal Desai v. State of Gujarat⁴**, the Hon'ble 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

¹ 2017 Law Suit (Raj) 2379

² 2017 Law Suit (ori.) 240

³ 2019 Law Suit (Cal.) 22

⁴ (2002) 10 SCC 283

premises of the Police Station. Therefore, the vehicle has to be entrusted to the interim custody of the petitioner subject to certain conditions.

4. 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 Hon'ble Apex Court in the decisions stated supra, this Court is inclined to grant interim custody of Maruti Dzire VDI BSIV vehicle bearing registration No.TS 29 TA 2683 which was seized in Crime No.168 of 2023 on the file of the Wyra Police Station, in favour of the petitioner subject to the petitioner furnishing fixed deposit receipt as proof of opening fixed deposit account for the value of the vehicle as determined by the Motor Vehicle Inspector, Wyra. Further, the petitioner shall deposit the original Registration Certificate of the vehicle in the Court concerned. However, the concerned 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. 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 she will not alienate, encumber or alter the physical features of the vehicle.

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

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

SD/-T.JAYASREE
ASSISTANT REGISTRAR

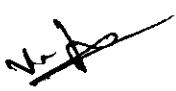
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SECTION OFFICER

To

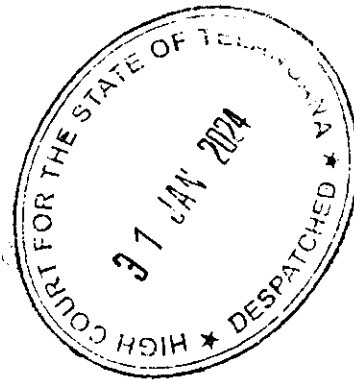
1. The Principal Secretary, Home Department, Secretariat, State of Telangana at Hyderabad 500 022, T.S.
2. The Drug Disposal Committee, Khammam cum Commissioner of Police, Khammam, Khammam 507 001, Telangana State.
3. The Station House Officer, Wyra Police Station, Wyra, Khammam District 507 165, T.S.
4. Two CCs to GP For Home, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to Sri T.P.Acharya, Advocate [OPUC]
6. Two CD Copies

SA
SB



HIGH COURT

DATED:14/12/2023



ORDER

WP.No.33757 of 2023

**DISPOSING OF THE W.P
WITHOUT COSTS.**

⑨ vlv
12/1/24