

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 8119 OF 2024

Between:

Guthikonda Sathyendra Kumar, S/o Nagaiah, aged 44 years, occ. private employee,
R/o H.No. 8-5-138/2, Nizampeta, Khammam district.

...PETITIONER/ACCUSED(S)

AND

1. The State of Telangana, rep. by its Public Prosecutor, High Court of Telangana at Hyderabad.
2. B. Satheesh, S/o not known, aged not known, Occ. Sub Inspector of Police, Nelakondapally PS, Nelakondapally, Khammam.

...RESPONDENTS/COMPLAINANTS

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to direct the Station House Officer, Nelakondapally PS to release the vehicle bearing No. TS 04 TR 4611 make of Yamaha MT-15 seized in relation to FIR in crime No. 201 of 2023 of Nelakondapally Police Station, by setting aside the order of the Drug Disposal Committee Dt. 30-05-2024, in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Tarun Ram Aitham, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.8119 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/accused seeking to direct the Station House Officer Nelakondapally Police Station to release Yamaha MT-15 bearing No. TS 04 TR 4611 seized in Crime No.201 of 2023 and to set aside the order of the Drug Disposal Committee dated 30.05.2024.

2. Heard Sri Tarun Ram Aitham, learned counsel for the petitioner and Sri D.Arun Kumar, learned Additional Public Prosecutor for respondent No.1 – State.

3. The case of the prosecution is that the petitioner's son is arrayed as accused in FIR No.201 of 2023 on the file of Nelakondapally Police Station registered for the offences under section 8(c) read with 20(b) (ii) (c) of NDPS Act, wherein the police found Ganja packets in possession of the accused while transporting the same to Hyderabad and the police under cover of panchanama seized the Ganja along with black bag and one Yamaha MT-15 motor cycle.

4. The petitioner who is the father of the accused in Cr.No.201 of 2023 filed a petition under section 52(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 for return and release of the vehicle in the said crime. He also undertook to produce the same as and when required before the trial Court, wherein the Drug Disposal Committee dismissed the same vide order dated 30.05.2024 stating that the vehicle was used for transportation of drugs. Aggrieved by the said order the petitioner filed this petition.

5. Learned counsel for the petitioner submitted that the petitioner is not the accused in the said crime and he is the owner of the vehicle. He further submitted that petitioner has no knowledge that the accused has involved the vehicle in NDPS. Hence, he requested the release of the vehicle and he also undertook to produce the same as and when required before the trial Court.

6. Admittedly the petitioner herein who is the father of the accused is no way connected with the crime. Having regard to the submission made by the learned counsel for the petitioner and as this Court passed an order in similar situations earlier basing on the Judgment of Hon'ble Apex Court in **Surenderbhai Ambalal**

Desai V. State of Gujarat¹ and since there is no dispute about the ownership of the vehicle, basing on the guidelines laid down by the Hon'ble Supreme court in the Judgment cited supra, the interim custody of the vehicle is granted to the petitioner on the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for a like sum to the satisfaction of the Drug Disposal Committee, Khammam.
- ii. **The petitioner shall deposit the Temporary 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.
- iii. 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.

¹ (2002) 10 SCC 283

Miscellaneous applications, if any pending, shall also stand closed.

**SD/- MOHD. ISMAIL
DEPUTY REGISTRAR**

Note : This order is amended as per court order dated 30/04/2025 in I.A.No.1 of 2025 in CRLP.No.8119 of 2024 by correcting the condition No.2 "the Petitioner shall deposit the temporary Registration certificate in place of "The Petitioner shall deposit original Registration Certificate."
This order substituted the earlier order dispatched on 21/09/2024.

**Sd/- K. VENKAIAH
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate (Spl. Mobile) Court at Khammam
2. The Station House Officer, Nelakondapally Police Station, Khammam
3. One CC to Sri Tarun Ram Aitham. Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

kg

HIGH COURT

DATED: 23/07/2024
30/04/2025

AMENDED ORDER
CRLP.No.8119 of 2024



Disposing of the Criminal Petition

8 copies
H
23/6/25