IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 37363 OF 2025 (GM-POLICE)

BETWEEN:

1. SRI. UMASHANKAR
   S/O. MUNIYAPPA
   AGED ABOUT 38 YEARS
   R/AT. NO. 21, 8TH CROSS,
   50 FEET ROAD, CHOWDESHWARI NAGAR
   BANGALORE - 560 058.

...PETITIONER

(BY SRI. NAGARAJA N., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS
   PRINCIPAL SECRETARY
   HOME DEPARTMENT M.S BUILDING,
   BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER
   BANGALORE URBAN DISTRICT,
   DEPUTY COMMISSIONER
   OFFICE BUILDING K.G. ROAD,
   BANGALORE - 560 009.

3. THE CIRCLE INSPECTOR
   R.M.C.YARD POLICE STATION
   YESHWANTHPURA SUB-DIVISION
   BANGALORE - 560 022.

4. THE FOOD INSPECTOR
   FOOD AND CIVIL SUPPLIES AND
   CONSUMER AFFAIRS,

Digitally signed by SHWETHA RAGHAVENDRA
Location: HIGH COURT OF KARNATAKA

YESHWANTHAPURA
BANGALORE - 560 022.

…RESPONDENTS

(BY SMT. SARITHA KULKARNI, AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTION TO QUASH THE IMPUGNED ORDER DATED 28.11.2025 MADE IN NO.G.A(NA)/AA.AVAKA/72/2025-26 PASSED BY THE 2ND RESPONDENT PRODUCED ANNEXURE-G.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Learned Additional Government Advocate accepts notice for respondent Nos.1 to 4.

2. The Petitioner is before this Court seeking for the following reliefs:

   a. Issue writ of certiorari or similar writ, order or direction to quash the impugned order dated: 28.11.2025 made in No. G.A.(Na)/Aa.avaKa/72/2025-26 passed by the 2nd Respondent produced Annexure-G.

   b. Issue a writ, order or direction in the nature of Writ of Mandamus, directing the 3rd respondent to release the vehicle through the indemnity bond in crime No.170/2025 during the course of investigation, the respondent police have seized the following vehicle in respect of 1 vehicle bearing the respondent police have seized the following in respect of the vehicle bearing registration No.KA-01, AB-0798 Produce at Annexure-A by taking the surety.

c. Pass such other relief or reliefs as this Hon'ble court deems fit to grant under the facts arid circumstances of the case, in the interest of justice and equity.

3. A complaint having been lodged by respondent police on 18.09.2025 for the offences under Sections 3 and 7 of the India's Essential Commodities, 1955 (for short, "EC Act") and 13(2) of Prevention of Corruption Act, 1988 and Section 316(5) of the Bharatiya Nyaya Sanhita, 2023 in Crime No.170/2025, the lorry of the petitioner had been seized by the respondent police.

4. An application having been filed by the petitioner for release of the said vehicle under Sections 451 and 457 of the Cr.P.C. vide the impugned order, the respondents had directed the release of the vehicle subject to furnishing of the bank guarantee.

5. The Co-ordinate Bench of this Court vide its order dated 05.01.2023, in W.P.No.5872/2022, has held that insofar as offences under the EC Act were concerned, the vehicle could be released by directing the petitioner to submit personal indemnity for the amount as sought for in respect to the bank guarantee. In that view of the matter, I pass the following:

ORDER

i) Writ petition is ***allowed***.

ii) A certiorari is issued. The order dated 28.11.25 in G.A.(Na)/Aa.avaKa/72/2025-26 passed by respondent No.2 at Annexure-G is quashed.

iii) A mandamus is issued directing respondent No.3 to release the seized vehicle in KA No.1-AB-0798 of the petitioner submitting a personal indemnity for the amount as directed to be furnished as a bank guarantee.

iv) The respondents are directed to enter the details of the vehicle in a database to be maintained by the respondent No.3 so as to ascertain if the very same vehicle is used for similar offences or not in future and if the same vehicle is used for similar offences, stringent action could be taken in relation thereto.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

GJM
List No.: 1 Sl No.: 21
CT-SG