

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No: Criminal Petition No. 14302 of 2024

Sl. No.	DATE	ORDER	OFFICE NOTE
	07.04.2026	<u>NTR, J</u> <u>I.A. No. 1 of 2026</u> This Interlocutory Application has been filed seeking modification of the order dated 26.03.2025 passed by this Court in Criminal Petition No. 14302 of 2024. Heard Mr. Agastya Ram, learned counsel for the petitioner, and Mr. M. Vivekananda Reddy, learned Assistant Public Prosecutor appearing for the respondents. The petitioner, claiming to be the owner of the property/Bus bearing Registration No. OD 10U 8010, which was seized in C.O.R. No. 42 of 2023 for the offences punishable under Section 8(c) read with Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act"), has filed the present application seeking modification of the order dated 26.03.2025 passed in CrI.P. No. 14302 of 2024. Briefly stated, the facts are that the petitioner, claiming to be the owner of the said vehicle, which was seized in the above-mentioned C.O.R., filed an application seeking interim custody. The concerned authority, vide order dated 18.05.2024, granted interim custody subject to the condition of furnishing a Fixed Deposit Receipt (FDR) for a sum of Rs.15,01,000/- in favour of the Deputy Commissioner of Prohibition & Excise, Hyderabad, along with two sureties for a like sum. Aggrieved thereby, the petitioner filed the ...contd..2	Tr. to I/O. folder before corrections, if any.

instant main Criminal Petition, and this Court, upon consideration of the material on record, directed release of the vehicle subject to the petitioner furnishing an FDR for Rs.5,00,000/-. The present application is filed seeking further reduction of the said security deposit.

Learned counsel for the petitioner submits that the petitioner is unable to comply with the said condition due to his financial constraints. It is further submitted that the vehicle was purchased on loan and the petitioner is still repaying the monthly installments. He contends that the petitioner has no involvement in the alleged offence and that the passengers who travelled in the bus misused the vehicle for committing the offence. On these grounds, he seeks a direction for release of the vehicle on execution of a personal bond.

Per contra, the learned Assistant Public Prosecutor submits that this Court, having already considered the submissions and the settled position of law, granted interim custody by reducing the condition relating to the FDR. He, therefore, seeks appropriate orders.

I have perused the material on record.

The contention of the petitioner is that the security deposit is on the higher side and that he is unable to comply with the condition imposed.

The record discloses that the vehicle was seized in connection with an offence under the NDPS Act. It is a settled position of law that the conveyance is liable to confiscation, subject to the procedure contemplated under the NDPS Act. Though the petitioner claims innocence, the same can only be determined upon completion of the trial and the

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inquiry contemplated under Section 60 of the NDPS Act. This Court, having earlier considered these aspects and balanced the equities, reduced the condition of furnishing the Fixed Deposit Receipt to Rs.5,00,000/- and dispensed with the requirement of two sureties. In view of the petitioner's continued inability to furnish the said FDR, and considering that the value of the vehicle may depreciate due to prolonged exposure to weather conditions, this Court is of the opinion that further modification of the condition is warranted.

Accordingly, the petitioner is directed to furnish a Fixed Deposit Receipt for a sum of Rs.3,00,000/- in favour of the Deputy Commissioner of Prohibition & Excise, Hyderabad, in compliance with the earlier order dated 26.03.2025 in Crl.P. No. 14302 of 2024. All other conditions shall remain unaltered.

With the above direction, the Interlocutory Application is disposed of.

NTR, J

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