

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

(Special Original Jurisdiction)

**FRIDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

WRIT PETITION NO: 6292 OF 2026

Between:

Megavath Peerya Naik, S/o. M.Laxman Naik, Age. 28 years, Occ. Agriculture,
(Owner of the Vehicle bearing No. TS-15-W-7879), 2-12/6, Dudiyal Village and
Mandal, Sangareddy District.

...PETITIONER

AND

1. The State of Telangana, Rep., by its Principal Secretary, Home Excise Department, Secretariat buildings, Hyderabad, TS.
2. The Deputy Commissioner of Prohibition and Excise, Medak Division at Sangareddy, Sangareddy District.
3. The Station House Officer, Andole, Prohibition and Excise Station, Sangareddy District.

...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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus by declaring that the inaction of the respondents in not considering the claim of petitioner for release the petitioner vehicle Pulsar 125 Ebony Black Solar Red vehicle bearing No. TS-15-EW-7879 which is seized in COR.No.82/2025 dated 07/08/2025 of SHO, Prohibition and Excise Station, Andole, Sangareddy District is illegal, arbitrary, and unjust and consequential with a consequential direction to 2nd and 3rd respondents to consider the claim for petitioner for release Pulsar 125 Ebony Black Solar Red vehicle bearing No. TS-15-EW-7879 which is seized in COR.No.82/2025 dated 07/08/2025 of SHO.

Prohibition and Excise Station, Andole, Sangareddy District in the interest of Justice.

IA NO: 1 OF 2026

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 2nd and 3rd respondent to release the petitioner Pulsar 125 Ebony Black Solar Red vehicle bearing No. TS-15-EW-7879 which is seized in COR.No.82/2025 dated 07/08/2025 of SHO, Prohibition and Excise Station, Andole, Sangareddy District in the interest of Justice pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI KASIREDDY MOHAN CHANDRA HAS

**Counsel for the Respondents No 1 & 2: SRI M. ARUN KUMAR,
AGP FOR PROHIBITION EXCISE DEPT**

Counsel for the Respondent No 3: SRI M. SRINIVAS, AGP FOR HOME

The Court made the following: ORDER

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

THE HON'BLE SRI JUSTICE E.V.VENUGOPAL

WRIT PETITION No.6292 of 2026

DATE OF ORDER: 27.02.2026

Between:

Megavath Peerya Naik

...Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Home (Excise) Department, Secretariat buildings,
Hyderabad, TS and 2 others

...Respondents

ORDER :

This Writ Petition, under Article 226 of the
Constitution of India, is filed seeking the following relief:

"....to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus by declaring that the inaction of the respondents in not considering the claim of petitioner for release the petitioner vehicle Pulsar 125 Ebony Black Solar Red vehicle bearing No.TS-15-EW-7879 which is seized in COR No.82/2025 dated 07/08/2025 of SHO, Prohibition and Excise Station, Andole, Sangareddy District is illegal, arbitrary and unjust and consequential with a consequential direction to 2nd and 3rd respondents to consider the claim for petitioner for release Pulsar 125 Ebony Black Solar Red vehicle bearing No.TS15EW7879 which is seized in COR No.82/2025 dated 07/08/2025 of SHO, Prohibition

and Excise Station, Andole, Sangareddy District in the interest of Justice...."

2. Heard learned counsel for the petitioner; Sri M.Arun Kumar, learned Assistant Government Pleader for Excise appearing for respondent Nos.1 and 2 and Sri M.Srinivas, learned Assistant Government Pleader for Home appearing for respondent No.3 and with their consent, this writ petition is being taken up for disposal at the admission stage.

3. Learned counsel for the petitioner would submit that the petitioner is the absolute owner of vehicle bearing registration No.TS 15 EW 7879. On 07.08.2025 at 06:38 hours respondent No.3 registered a case in COR No.82 of 2025 under Section 8(C) r/w 20(b)(ii)(A) of NDPS Act, 1985, alleging illegal transportation of Dry Ganja. It is further submitted that the petitioner is not an accused in the above case and there is no fault on him and the above said vehicle has been seized and lying in the premises of respondent No.3. Subsequently, the petitioner made representations before respondent No.2 requesting to release the said vehicle, but no action has been taken on the said representations.

Learned counsel for the petitioner further submits that due to seizure and detention of the vehicle, the petitioner is facing much hardship and inconvenience in attending his day-to-day life necessities and seeks a direction to respondents to forthwith release the said vehicle.

4. Learned Assistant Government Pleader for Prohibition and Excise appearing for the respondents would submit that as seen at Column Nos.12 and 13 of the crime and occurrence report, the petitioner is a pancha claiming ownership of the vehicle. The petitioner is arrayed as one of the panchas therefore it cannot be stated that the petitioner is not having knowledge about the said crime, hence after seizing the vehicle, the case details would be submitted to the trial Court, therefore at this stage the vehicle of the petitioner cannot be released.

5. The said vehicle was seized in COR No.82 of 2025 dated 07.08.2025 on the file of respondent No.3 under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985. According to crime and occurrence report, at Column Nos.12 and 13,

the petitioner is one of the panchas which would not mean that the petitioner is involved in the said crime.

6. The Hon'ble Supreme Court in **Bishwajit Dey v. State of Assam** in Criminal Appeal No.87 of 2025 arising out of SLP (Crl.) No.13370 of 2024 categorically held as follows:

"34. This Court is also of the view that if the Vehicle in the present case is allowed to be kept in the custody of police till the trial is over, it will serve no purpose. This Court takes judicial notice that vehicles in police custody are stored in the open. Consequently, if the Vehicle is not released during the trial, it will be wasted and suffering the vagaries of the weather, its value will only reduce."

7. The Hon'ble Supreme Court in **Denash v. State of Tamil nadu** arising out of SLP (Crl.)No(s).8698 of 2025 categorically held as follows:

"34. Although, on a superficial reading, the present case might appear to fall within the second scenario delineated in Bishwajit Dey (supra), where contraband is recovered from the owner's agent (driver) who is arrayed as an accused, however, the application of criminal law cannot be reduced to a rigid or mechanical formula. Each case must be examined in light of its peculiar facts and circumstances. In the present matter, a holistic consideration of the record reveals that the facts do not align strictly with the said category for the following reasons:-"



i- Firstly, the appellant is the lawful owner with valid documents, and the vehicle was commercially engaged in transporting a valuable consignment of 29,400 MT of iron sheets. It is highly improbable to believe that he would risk both the costly vehicle and the high value consigned goods and his business goodwill by knowingly allowing narcotics to be transported along with the cargo.

ii- Secondly, the contraband, i.e., 6 kilograms of Ganja was recovered from the four charge sheeted accused persons.

iii- Thirdly, the appellant was not arraigned as an accused and the charge sheet contains no material suggesting that the appellant had knowledge of or connived in the offence.

iv- It can thus, safely be presumed that the said contraband must have been procured by the drivers and/or the khالasis without the knowledge or connivance of the appellant..”

8. Having considered the submissions of the learned counsel for the petitioner and learned Assistant Government Pleader for Excise, this Court deems it appropriate to dispose of this writ petition directing the petitioner to approach respondent No.2 by making appropriate application for release of the vehicle. Upon such application being filed, respondent No.2 is directed to examine all the documents pertaining to the vehicle and release the same subject to the condition of depositing the original R.C.Book before the

authority concerned and the said authority shall release the vehicle after obtaining an undertaking that the petitioner shall not change the nature of the vehicle and not to alienate the said vehicle and upon depositing security in the form of F.D.R. for Rs.25,000/-.

9. With the above observations, this writ petition is disposed of. There shall be no order as to costs.

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

//TRUE COPY//

SD/-C. DEEPIKA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Home Excise Department, State of Telangana, Secretariat buildings, Hyderabad, TS.
2. The Deputy Commissioner of Prohibition and Excise, Medak Division at Sangareddy, Sangareddy District.
3. The Station House Officer, Andole, Prohibition and Excise Station, Sangareddy District.
4. One CC to SRI. KASIREDDY MOHAN CHANDRA HAS, Advocate [OPUC]
5. Two CCs to GP FOR PROHIBITION EXCISE ,High Court for the State of Telangana At Hyderabad. [OUT]
6. Two CCs to GP FOR HOME ,High Court for the State of Telangana At Hyderabad. [OUT]
7. Two CD Copies

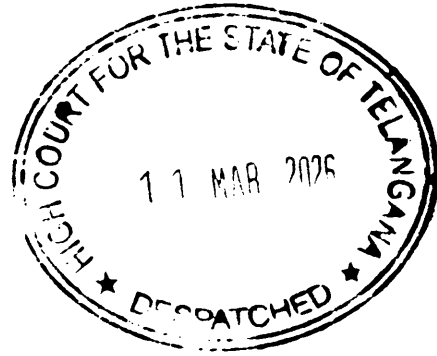
DAN
BS

HIGH COURT

DATED:27/02/2026

ORDER

WP.No.6292 of 2026



DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

(11) MT
11/3/26