IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 16612 OF 2026

Between:

Mahesh Mandal, S/o. Sripada Mandal, Aged about. 41 years, Occ. Owner of the Vehicle Bearing No. OD30H2277, R/ o. MV55, Chitrangpalli, Kalimela, Malkangiri, Odisha State.

...Petitioner/Owner of the Property

AND

The State of Telangana, Through Police Station Rachakonda Narcotics, Rep by Public Prosecutor, High Court for the State of Telangana, At Hyderabad.

...Respondent

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Quash the order dated 17/09/2026 passed in Crl.M.P.No.328 of 2026 in Cr.No.10 of 2026 on the file of I Additional District and Sessions Judge Ranga Reddy District at L.B.Nagar and consequently grant interim custody of the Omni Bus(HPV) Registration bearing No. OD30H2277 to the petitioner on such terms and conditions as this Hon'ble court deems fit and proper in the circumstances of the case.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri B Muralidhar, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of Respondent.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.16612 of 2026

(C.N.R. No.HBHC010694692026)

Date: 08.10.2026

Between:
Mahesh Mandal

...Petitioner

AND

The State of Telangana
Through Police Station Rachakonda Narcotics,
Rep by Public Prosecutor,
High Court for the State of Telangana at Hyderabad

...Respondent

ORDER

This Criminal Petition has been filed aggrieved by the order dated 17.09.2026 passed by the learned I Additional District and Sessions Judge at L.B.Nagar in Crl.M.P. No.328 of 2026 in Crime No.10 of 2026 of Rachakonda Narcotics Police Station, where under, the petition filed by the petitioner seeking to handover the interim custody of the vehicle has been dismissed.

2. Heard Sri B. Muralidhar, learned counsel for the petitioner and Sri V. Jithendar Rao Veeramalla, learned Additional Public Prosecutor appearing for the State – respondent.

3. Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle i.e., Omni Bus (HPV) Ve Commercial vehicle limited mode PRO 6019LPO CWC AC BSVI bearing registration No.OD30H2277 (for short 'the subject vehicle') and the subject vehicle was seized by the SHO Rachakonda Narcotics Police Station in connection with Crime No.10 of 2026. Though the petitioner has not committed any offence, the petitioner's vehicle was seized in connection with Crime No.10 of 2026 on the ground that the alleged contraband was recovered from the possession of the accused Nos.1 to 3, who were travelling in the subject vehicle. The petitioner had no knowledge about the alleged contraband or had not having any connection with Crime No.10 of 2026 and he has not been arrayed as accused in the said crime. The petitioner purchased the subject vehicle by availing a loan from HDFC bank and has been eking out his livelihood from the income derived through the subject vehicle and he is also paying monthly instalments to the subject vehicle. The subject vehicle was seized on 11.07.2026. Since the said vehicle was in the custody of the Rachakonda Narcotics Police, the petitioner filed a petition before the trial Court seeking interim custody of the

subject vehicle. However, the learned trial Court without properly appreciating the contentions raised by the petitioner, dismissed the petition solely on the ground that the subject vehicle was involved in the offence under NDPS Act and the investigation is under progress. Unless the subject vehicle is given to the petitioner by way of interim custody, he will be put to great hardship. He further submits that the petitioner is ready and willing to abide by the conditions, which may be imposed by this Court.

4. Per contra, learned Additional Public Prosecutor submits that the learned trial Court has rightly dismissed the petition as petitioner's vehicle was involved in heinous offence under NDPS Act. The investigation is under progress, at this stage, the petitioner is not entitled to seek interim custody of the subject vehicle.

5. Having considering the rival submissions made by the respective parties and after perusal of the material on record, it reveals that the petitioner is the owner of the vehicle registration No.OD30H2277 and the said vehicle was seized on 11.07.2026 in connection with crime No.10 of 2026 for the offences punishable under Sections 8(c) read with 20(b)(ii)(c) and 29 of the NDPS Act.

The record further reveals that the petitioner was not arrayed as accused in Crime No.10 of 2026 and the said vehicle was kept in the custody of the SHO Rachakonda Narcotics Police Station. Even according to the prosecution, the petitioner is not the accused in the said crime and the vehicle was not deposited before the learned trial Court.

6. Taking into consideration of the facts and circumstances, the impugned order passed by the learned trial Court dated 17.09.2026 is set-aside by granting interim custody of the subject vehicle to the petitioner subject to following conditions.

1. The Station House Officer is directed to produce the vehicle before the trial Court.
2. The petitioner executes a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties (one local surety) each for a likesum to the satisfaction of the learned trial Court.
3. The petitioner shall also furnish an undertaking that he shall not alienate the vehicle or change its physical features.

4. The Station House Officer is directed to address a letter to RTA Authority not to transfer the vehicle in favour of any third parties till completion of proceedings in Crime No.10 of 2026.

7. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/-L VIJAYA LAXMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

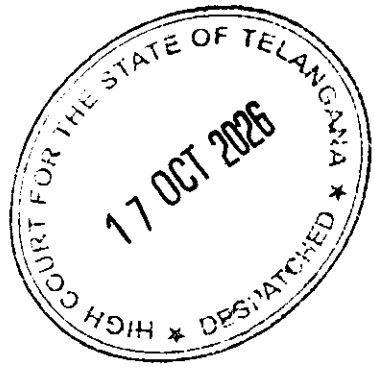
1. The I Additional District and Sessions Judge, Ranga Reddy
2. The Special Judicial First Class Excise Magistrate cum V Additional Metropolitan Magistrate cum V Additional Junior Civil Judge at LB Nagar, Ranga Reddy District
3. The Station House Officer, Rachakonda Narcotics Police Station, Eagle force, Abids, Hyderabad
4. One CC to SRI. B MURALIDHAR, Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

ADK/ABK

R.R

HIGH COURT

DATED: 08/10/2026



ORDER

CRLP.No.16612 of 2026

DISPOSING OF THE CRLP

9 copies
17/10/26
R.R