

APHC010579952024



**IN THE HIGH COURT OF ANDHRA  
PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3327]**

WEDNESDAY, THE TWENTY SECOND DAY OF JANUARY  
TWO THOUSAND AND TWENTY FIVE

**PRESENT  
THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY**

**CRIMINAL REVISION CASE NO.1329 OF 2024**

**Between:**

Kolli Srinivas Reddy

**...PETITIONER**

**AND**

The State of AP,  
Rep. by its PP and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1.ARRABOLU SAI NAVEEN

**Counsel for the Respondent(S):**

1.PUBLIC PROSECUTOR

**The Court made the following ORDER:**

This Criminal Revision Case is preferred assailing the order dated 26.04.2023 passed in CrI.M.P.No.319 of 2023 on the file of the learned I Additional District and Sessions Judge – cum - Special Judge for Trial of Offences under the NDPS Act, Vizianagaram, in connection with Crime No.295 of 2022 of

S. Kota Police Station, whereby the petition filed under Section 457 Cr.P.C seeking interim custody of Hyundai Creta Car bearing Registration No.AP 39 KX 5677, was dismissed.

2. Heard learned counsel for the petitioner and the learned Assistant Public Prosecutor for the State.

3. The petitioner herein is the owner of the subject vehicle i.e., Hyundai Creta Car bearing Registration No.AP 39 KX 5677, which was seized in Crime No.295 of 2022 of S. Kota Police Station, registered for the offence punishable under Section 8(c) read with 20 (b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'Act'). Thereafter, the petitioner herein, who is claiming to be the owner of the said vehicle, filed a petition in CrI.M.P.No.319 of 2023 before the trial Court seeking interim custody of the said vehicle. The trial Court dismissed the said petition on the grounds that, the vehicle that was used for carrying the narcotic drug shall be confiscated to the State ultimately if the offence is proved and that the petitioner herein has not established that he is the *bona fide* purchaser of the vehicle and that he did not use the vehicle for illegal purposes, as such interim custody of the vehicle cannot be given to the petitioner.

4. The grounds on which the trial Court dismissed the petition filed for interim custody of the vehicle *ex facie* erroneous. Simply because the vehicle that was used for carrying the contraband is to be confiscated in case the offence is proved, the request of the petitioner to give interim custody of the said vehicle cannot be denied or rejected on the said ground. At this stage, it cannot be said that the vehicle would be liable for confiscation. It is only when the prosecution is able to prove the guilt of the accused beyond all reasonable doubt after completion of the trial, then the trial Court has to pass an order to confiscate the said vehicle.

5. Apart from that, there is no dispute regarding the fact that the petitioner is the owner of the said vehicle and to that extent learned counsel has filed a registration certificate. The vehicle was also hypothecated to Kotak Mahindra Prime Limited. Admittedly, the petitioner herein is not the accused in the present crime. Therefore, if the vehicle is left unused either in the Police Station or in the premises of the Court till the trial of the case is completed, there is every likelihood of vehicle being damaged.

6. In view of the aforesaid facts and circumstances of the case, the Criminal Revision Case is allowed setting aside the impugned order of the trial Court. The trial Court is directed to give interim custody of the subject vehicle to the petitioner-

(i) on his executing a self bond for the value of the vehicle to be assessed by the Motor Vehicle Inspector concerned with two sureties for a like sum each to the satisfaction of the learned I Additional District and Sessions Judge – cum - Special Judge for Trial of Offences under the NDPS Act, Vizianagaram;

(ii) on executing an undertaking by the petitioner that he will not alienate the said vehicle or transfer its ownership or change any physical changes to the vehicle; and

(iii) on executing an undertaking by the petitioner that he would produce the vehicle as and when directed by the trial Court till the case is disposed of, in the trial Court.

7. As a sequel thereto, the miscellaneous applications, if any, pending in this Criminal Revision Case shall stand closed.

**K. SREENIVASA REDDY, J**

Date:22.01.2025  
Nsr

**HON'BLE SRI JUSTICE K. SREENIVASA REDDY**

**Criminal Revision Case No.1329 of 2024**

Date:22.01.2025

Nsr