

SESSIONS DIVISION, KOLLAM
IN THE PRINCIPAL SESSIONS COURT
Present: Smt. M.B. Snehalatha, Prl. Sessions Judge, Kollam
Tuesday the 24th day of January, 2023/04th Magha, 1944

Crl. M.P.No. 2290/2022 in
Crime. No. 848/2022 of Parippally Police Station

Petitioners : Bhavya Bhadran, D/o. Bhadran,
Kizhakkevilaveedu, Muttappalam. P. O,
Thachodu, Chemmaruthy Village, Varkala
Taluk, Thiruvananthapuram District.
By Adv. M. Chandran

Respondent : State of Kerala represented by the Circle
Inspector (SHO), Parippally Police Station
through Public Prosecutor Kollam.

This petition is filed u/s 451 of Cr. P.C having come up for consideration on 24.01.2023 on the same day the court passed the following.

ORDER

Petition under Section 451 Cr.P.C. seeking interim custody of the scooter involved in the above crime.

2. The present petition is filed seeking interim custody of the scooter seized by Parippally Police in Crime No. 848/2022 registered for the offences punishable under Sections 22 (b) and 29 of the Narcotic Drugs and Psychotropic Substances Act 1985.

3. According to the petitioner, she is the registered owner of the Honda Deo Scooter bearing Reg. No. KL 16/T—6142 seized by the police in the above crime. The vehicle is now being kept in the open premises of Parippally Police Station exposing to extreme weather condition which will cause damage to the vehicle. Hence, this petition under Section 451 of Cr.P.C. seeking interim custody of the vehicle.

4. The investigating officer filed report stating that on 07.10.2022 at 7.30 p.m., accused, five in number, were found snorting MDMA and upon search, A1 was found in possession of 1.06 grams of MDMA, A2 was found in possession of 1.32 grams of MDMA and A3 was found in possession of 1.03 grams of MDMA. The Honda Deo Scooter bearing Reg. No. KL 16/T—6142 was seized from A5 , who is the brother of the petitioner, in connection with the crime. According to the investigating officer, if the said scooter is given in the interim custody of the petitioner, accused may again indulge in similar offences.

5. Heard both sides.

6. Petitioner has approached this court seeking interim custody of the vehicle, which was seized from A5 in the above crime, who is the brother of the petitioner. As per the prosecution case, the

allegation against A5 is that he was found snorting MDMA. Prosecution has no case that any narcotic drug or narcotic substance was seized from A5. Admittedly, petitioner herein is the registered owner of the Honda Deo scooter bearing Reg. No. 16/T—6142 involved in Crime No. 848/2022 of Parippally Police Station.

7. In *Sainaba Vs. State of Kerala* reported in 2022 (7) KHC 273 (SC), the Hon'ble Apex Court held that the release of the vehicle can be ordered on terms and conditions to be determined by the special court.

8. Prosecution has no case that the petitioner participated in the offence. In the said circumstance and in view of the dictum laid down by the Hon'ble Apex Court In *Sainaba Vs. State of Kerala* reported in 2022 (7) KHC 273, interim custody of the vehicle is granted to the petitioner on the following terms and conditions:

- (1) Petitioner shall execute a bond for ₹1,00,000/- (rupees one lakh only) along with two solvent sureties each for the like-sum.
- (2) Petitioner shall produce the original RC of the vehicle along with a copy of the same. Original shall be returned after verification.

- (3) Petitioner shall not alienate or dispose of the vehicle or do anything so as to deteriorate the value of the vehicle during interim custody.
- (4) Petitioner shall produce the vehicle as and when required by the court.
- (5) Petitioner shall produce three photographs of the vehicle countersigned by his counsel and the SHO concerned.

(Dictated to the Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in open Court on this the 24th day of January. 2023.)

Sd/-
M. B. Snehalatha,
Sessions Judge.

//True Copy//

Sheristadar

Copy to:- The Circle Inspector (SHO), Parippally Police Station.

Typed by : Vineetha. R
Compared by : Priya. S