

IN THE COURT OF SESSIONS, PALAKKAD DIVISION
Present : Shri. D.Sudheer David, Additional Sessions Judge-II

Friday, the 23rd day of January, 2026
3rd day of Magha, 1947 S.E

CRIMINAL MISCELLANEOUS PETITION No.01/2026
in Sessions Case No.1003/2025
in Crime No.510/2025 of Kongad Police Station, Palakkad

Petitioner/Accused No.1:

Sunil.K.H., aged 30 years, S/o Haridasan, Koottala House, Kannampariyaram,
Mankara Post, Palakkad -678613.

Vs.

Respondents/Complainants:

State of Kerala, Rep. by the Inspector of Police, Kongad Police Station.

This petition is filed by the petitioner/accused no.1 in Sessions Case No.1003/2025 in Crime No. 510/2025 of Kongad Police Station, Palakkad praying that in the circumstances stated therein, this court may be pleased to release the vehicle.

This petition coming on for hearing today in the presence of Shri. Sooraj Krishnan Maliyekkal, Advocate for the petitioner and the Special Public Prosecutor on behalf of the state and this court passed the following:-

ORDER

This is an application under section 497(1) of Barathiya Nagarik Suraksha Sanhitha 2023 filed by the petitioner.

2. Petitioner, sought for releasing of the Motor cycle, Bajaj Avenger 220 Street, having Registration No. KL-09 AL 5366, that was seized by the respondent in connection with the crime. The offence alleged is under Section 22(c), 27(A) and 29 of NDPS Act. He would contend that the vehicle is now being kept in the premises of the police station, exposed to scorching sun and rain, which is to ruin

the same. It would cause irreparable injury to him. He is ready to abide by any condition that is imposed to release the vehicle to him.

3. The Inspector of Police Kongad Police Station filed report stating that, the petitioner along with his companion accused persons were caught red handed with 1233.90 grams of methamphetamine, kept in a Toyota Quails car, bearing number KL 07 AS 0551 and also in their physical possession. Subsequently during investigation, it was found in the residence of the petitioner the motor cycle, sought to be released in this petition, which was seized and produced before court, which was returned back for safe custody and accordingly it is being kept in the premises of the Police Station. If it is release it would be used for committing offences, so it may not be released.

4. For the purpose of this petition the following points are raised for consideration :-

- 1) Is the petition allowable?
- 2) Order?

5. Heard both sides. Perused the records.

6. **Point No. 1:-** Undisputedly, the vehicle involved in this petition, namely Motor cycle, Bajaj Avenger 220 Street, having Registration No. KL-09 AL 5366 is not one directly involved in connection with the crime in this case. Whereas it was found in the residence of the petitioner when the Investigating officer went there in connection with investigation in this case. As such it is not a conveyance used in connection with the crime involved in this case. It could be found as the personal vehicle of the petitioner, unconnected with the crime in this case. It makes

no reason to keep it in custody for it is not at all necessary for the purpose of the trial of this case. So, it is only to be released to the petitioner, as prayed for in this petition. Point is answered in favour of the petitioner.

7. **Point No. 2:-** In the result the petition is allowed on the following conditions:

- 1) The petitioner shall execute a bond of ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like amount.
- 2) The petitioner shall produce the original Registration Certificate and insurance certificate along with its attested copies for releasing the vehicle.
- 3) The petitioner shall produce the vehicle as and when required.

Dictated to Google docs voice typing app, transcribed by it, corrected by me and pronounced in open court on this the 23rd day of January 2026.

Sd/-
Additional Sessions Judge-II.

**Fair/Copy of Order in
Crl.MP 01/2026 in
SC No. 1003/2025
Dated: 23.01.2026**