

APHC010068012026



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

[3521]

THURSDAY, THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 1106/2026

Between:

1.K RAGHAVENDRA, AGED ABOUT 37 YEARS,S/O.
K.ANJINAPPA,R/O. D.NO.2-552, MARUTHI NAGAR,SOMANDEPALLI
VILLAGE AND MANDAL,SRI SATHYA SAI DISTRICT.

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, ,Represented by Public
Prosecutor,High Court of Andhra Pradesh at AmaravathiThrough the
Station House Officer,Narpala Police Station,Ananthapuramu District

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1.YATTAPU BHARATH KUMAR REDDY

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.,')/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') filed by the petitioner herein seeking to direct the respondent to release vehicle i.e., Mahindra Bolero Pick-Up, bearing No.AP 39 TM 0433 which was seized on 22.01.2026 in connection to Crime No.06 of 2026 on the file of Narpala Rural Police Station, Ananthapuram District, registered for the offence punishable under Section 7(1) of the Essential Commodities Act, 1955 (for brevity 'the E.C.Act').

2. Sri Y.Bharath Kumar Reddy, the learned counsel for the petitioner, submits that the petitioner is the registered owner of the subject vehicle and that if the vehicle is exposed to sun and air, it is likely to get damaged. It is further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court, if the vehicle is ordered to be released on interim custody. The learned counsel for the petitioner relied upon the decision of the Hon'ble Apex Court in **Sunderbhai Ambalal Desai v. State of Gujarat**¹.

3. *Per contra*, Ms.P.Akhila Naidu, the learned Assistant Public Prosecutor, vehemently opposed to release of the vehicle on the ground that the investigation is still pending.

¹ AIR 2003 SC 638

4. Heard the learned counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

5. As seen from the record, the alleged offence is punishable under Section 7(1) of 'the E.C.Act'. The truth or otherwise of the allegations has to be decided in the course of investigation and trial. Admittedly, the petitioner herein is the registered owner of the subject vehicle. If the vehicle is kept unused in the police station or Court premises and exposed to sun, rain and air, there is every likelihood of the same getting damaged. Therefore, in the interest of justice, the vehicle can be ordered to be released on interim custody to the petitioner, subject to certain conditions.

6. Considering the facts and circumstances of the case, the Criminal Petition is disposed of. The subject vehicle, i.e., Mahindra Bolero Pick-Up, bearing No.AP 39 TM 0433, which was seized on 22.01.2026 in connection with Crime No.06 of 2026 on the file of Narpala Rural Police Station, Ananthapuram District, is ordered to be released to the petitioner on interim custody, with the following conditions:

- i. On his producing the original R.C. and executing a self bond for the value of the subject vehicle to be assessed by the Motor Vehicle Inspector, with two sureties for the like sum each, to the satisfaction of the jurisdictional Magistrate concerned;

- ii. On his executing an undertaking that he would not alienate the said vehicle or transfer its ownership or change any physical features of the vehicle; and
- iii. On his executing an undertaking that he would produce the vehicle as and when directed by the learned Trial Court till the case is disposed of, in the Trial Court.
- iv. The Petitioner shall submit an undertaking affidavit before the learned Trial Court that the vehicle shall not be utilized for any offence in future.

7. In the result, the Criminal Petition is disposed of.

8. However, it is made clear that the appropriate authority has got authority to proceed in accordance with law for confiscation or otherwise of the vehicle, by affording due and sufficient opportunity to both sides.

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

DR. Y. LAKSHMANA RAO, J

Date: 12.02.2026

PRA

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION No.1106 of 2026

Date: 12.02.2026

PRA