



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

[3521]

THURSDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

WRIT PETITION NO: 12291/2026

Between:

1. CHAUHAN ALPESHKUMAR MAHENDRASINH,, S/O CHAUHAN MAHENDRASINH, AGED ABOUT 34 YEARS, OCC FRUIT TRADER, RIO D.NO.88, RAJPUT VAS, HEBUVA, MAHESANA GUJARAT STATE, PRESENTLY RESIDING AT FLAT NO.614, FIRST FLOOR, INDIRA TOWERS, NEAR KALYAN JEWELLERS, AMERICAN HOSPITAL ROAD, VIJAYAWADA

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT BUILDINGS AT VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT. 522238.
2. THE COMMISSIONER OF POLICE, VIJAYAWADA CITY, N.T.R DISTRICT. 520001
3. THE STATION HOUSE OFFICER, GUNDALA POLICE STATION, N.T.R DISTRICT. SZOOO

...RESPONDENT(S):

Counsel for the Petitioner:

1. D TARAKA PRASAD

Counsel for the Respondent(S):

1. GP FOR HOME

The Court made the following:

ORDER:

The Writ Petition has been filed under Article 226 of the Constitution of India seeking the following relief:

“... to issue an appropriate Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent in registering FIR No 32/2026 dated 07 04 2026 at Gundala Police Station under Section 106 BNSS as illegal arbitrary without jurisdiction and authority of law and in violation of Articles 14 191g 21 and 300A of the Constitution of India and consequently quash the same and also direct the 3rd Respondent to forthwith release and hand over the seized cash amount of Rs 2 00 00 000/ and the vehicle bearing Registration No AP39SS2597 to the Petitioners without insisting on any conditions in the interest of justice...”

2. Heard the learned Counsel for the Petitioner and the learned Assistant Government Pleader.

3. Sri D.Taraka Prasad, learned Counsel for the Petitioner submits that the impugned action of the Respondents in intercepting the Petitioner's vehicle bearing No.AP39SS2597 on 07.04.2026 near HCG Cancer Hospital, BRTS Road, Vijayawada, and seizing therefrom a sum of Rs.2,00,00,000/- along with the said vehicle, is wholly arbitrary, unconstitutional, and dehors the authority of law. It is submitted that the Petitioner, a *bona fide* fruit trader originally hailing from Gujarat and presently engaged in seasonal mango trading in and around Vijayawada, was carrying the said amount as part of legitimate agricultural business transactions, the funds having been advanced by several farmers and agriculturists for booking mango orchards and crop procurement, which is a customary practice in the trade. The seizure was affected merely on suspicion, without any enquiry, verification of documents, or opportunity afforded to explain the lawful source of the money, and without discovery of any contraband or incriminating material. The Respondents, in registering F.I.R.No.32/2026 under Section 106 of the Bharatiya Nagarik

Suraksha Sanhita, 2023 (for brevity 'the BNSS'), have acted in excess of jurisdiction, for Section 106 of 'the BNSS' is purely procedural and cannot constitute a substantive offence to justify registration of a criminal case. The FIR discloses no victim, no complaint, no predicate offence, and no cogent reason for suspicion, thereby rendering the entire exercise ultra vires. Mere possession of cash, absent any illegal activity, does not constitute an offence, and the continued retention of the Petitioner's money and vehicle gravely impairs his right to carry on trade under Article 19(1)(g), his right to property under Article 300-A, and his fundamental guarantees under Articles 14 and 21 of the Constitution of India. The arbitrary seizure, bereft of due process, has disrupted the Petitioner's seasonal business, prejudiced the farmers awaiting payments, and inflicted irreparable hardship. In these circumstances, it is urged that this Court may be pleased to issue a Writ of Mandamus declaring the action of Respondent No.3 in registering FIR No.32/2026 dated 07.04.2026 under Section 106 of 'the BNSS' as illegal, arbitrary, and without jurisdiction, quash the same, and direct forthwith release of the seized cash amount of Rs.2,00,00,000/- and the vehicle bearing Registration No.AP39SS2597 to the Petitioner, without imposing any onerous conditions.

4. Sri P.Ajay Babu, learned Assistant Government Pleader, on written instructions, submits that the Petitioners' allegations are wholly untenable, for the Respondent Police acted strictly within the bounds of law and procedure upon receipt of credible information. It is urged that mediators were duly requisitioned, the vehicle in question attempted to evade the police party, and

upon interception the occupants failed to furnish satisfactory replies, ultimately confessing in the presence of mediators to transporting Rs.2,00,00,000/- under instructions of one “Amithji” without any proof of lawful source. The seizure was effected transparently, cash was counted and documented, notices under Sections 35(3) and 94 of ‘the BNSS’ were served, and despite opportunity the accused failed to produce supporting documents. The Respondents thereafter scrupulously followed due process by registering FIR No.32/2026 under Section 106 of ‘the BNSS’, reporting the seized cash to the Hon’ble I Additional Chief Judicial Magistrate Court, Vijayawada through memo and Form-60, depositing the amount in the Sub-Treasury under acknowledgment, and referring the matter to the Income Tax Department for investigation under the IT Act. Subsequent requisitions and orders culminated in the lawful transfer of the seized property to the Income Tax authorities. Thus, the Respondents have acted bona fide, within jurisdiction, and in faithful compliance with statutory mandates, leaving no scope for imputations of arbitrariness or illegality. Accordingly, it is urged that the Writ Petition be dismissed.

5. Having regard to the facts and circumstances of the case, and in view of the rival submissions, the Writ Petition is disposed of, directing the Petitioner to approach the learned I Additional Chief Judicial Magistrate, Vijayawada by filing appropriate applications under Sections 451 & 457 of ‘the Cr.P.C.’/Sections 497 & 503 of ‘the BNSS’, seeking release of the seized cash and the vehicle bearing Registration No.AP39SS2597, and the learned

Magistrate shall consider such applications on their own merits and in accordance with law, expeditiously. There shall be no order as to costs.

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

DR. Y. LAKSHMANA RAO, J

Date: 30.04.2026
VTS