

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY ,THE ELEVENTH DAY OF DECEMBER

TWO THOUSAND AND TWENTY FOUR ✓

:PRESENT:**THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY** ✓**WRIT PETITION NO: 31159 OF 2024** ✓**Between:**

✓ Ramagani Roaja Sri,, D/o. Kamagani Srinivas Goud.

Petitioner**AND**

1. The State of Telangana State,, Rep by its Principal Secretary, Hyderabad, Telangana State.
 2. The Commissioner Prohibition and Excise Telangana, Nampally,, Hyderabad.
 3. The Drug Disposal Committee, Rep by its Deputy Commissioner Medak At. Sangareddy
 4. The Station House Officer, Zaheerabad Excise P and E Station, Zaheerabad Sangareddy District.
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Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus, by declaring the action of respondent Nos.3 and 4 in not releasing the petitioner's vehicle i.e., Mahindra XUV300 bearing vehicle No. TS26G9257 seized in C.O.R. No. 301/2024 dated 29-07-2024 prohibition and excise police Zaheerabad, Sanga Reddy District and deposited before the Drug Disposal Committee, inspite of My readiness to furnish the third party surety as being as illegal, arbitrary and contra to the Guidelines laid down by the Honble Supreme Court in the case of Sunderbhai ambalal desai Vs State of Gujarat in SLP (Crl.) No. 2745 of 2002 reported in 2002 10 SCC 283 in violation of Article 19 (1) (g) of the Constitution of India and against the Principles of Natural Justice Consequently direct the respondents to release the Mahindra XUV300 bearing vehicle No, TS26G9257 in my favour forthwith.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to release the Mahindra XUV300 bearing vehicle No. TS26G9257 in my favour, forthwith, Pending disposal of WP 31159 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI

SANTHOSH SOMU Advocate for the Petitioner, Mr. M. Arun Kumar, learned GP FOR PROHIBITION EXCISE for the Respondent Nos 1 to 3, GP FOR HOME FOR RESPONDENT NO 4 and the Court made the following.

ORDER

Mr. M. Arun Kumar, learned Assistant Government Pleader for Prohibition and Excise, placed reliance on the order dated 22.04.2024 passed by this Court in Crl. P. No.4463 of 2024 whereunder it was held that the application for interim custody of seized vehicles pertains to Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') should be filed before the Drug Disposal Committee under Section 52A of the NDPS Act.

However, Mr. S. Santhosh, learned counsel for the petitioner, relied on the recent decision of the Karnataka High Court dated 05.08.2024 passed in Crl. P. No.200895 of 2024 wherein it was held that the Drug Disposal Committee is meant for disposing of the drugs and for release of conveyance; there is no rule framed by the Central Government for release of vehicle for interim custody either in the earlier notification dated 16.01.2015 or new notification dated 23.12.2022. It was further held that the Special Court or the Magistrate has power to release the vehicle for interim custody under Section 451 read with Section 457 Cr.P.C.

Respondents shall file counter by the next date of hearing.

Pending further orders, the seized vehicle of the petitioner shall not be put to auction.

Post on 31.12.2024.

SD/-T.TIRMULA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Hyderabad, State of Telangana Telangana State.
2. The Commissioner Prohibition and Excise Telangana, Nampally,, Hyderabad.

3. The Deputy Commissioner, Drug Disposal Committee, Medak At. Sangareddy
 4. The Station House Officer, Zaheerabad Excise P and E Station, Zaheerabad Sangareddy District.
(1 TO 4 by RPAD)
 5. One CC to SRI. SANTHOSH SOMU Advocate [OPUC]
 6. Two CCs to GP FOR PROHIBITION EXCISE ,High Court at Hyderabad. [OUT]
 7. Two CCs to GP FOR HOME ,High Court at Hyderabad. [OUT]
 8. One spare copy
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HIGH COURT

BVRJ

DATED:11/12/2024

POST ON 31.12.2024

ORDER

WP.No.31159 of 2024

DIRECTION

