



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 6763 OF 2026 (GM-RES)

BETWEEN:

1. MR. SHIVARAJU .T.S
S/O. SIDDEGOWDA
AGED ABOUT 46 YEARS
R/AT. NO.52, TAMASANDRA VILLAGE
KASABA HOBALI
KANAKAPURA TALUK
BENGALURU SOUTH DIST. - 562117.

...PETITIONER

(BY SRI. VINOD KUMAR .S, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF HOME
REP. BY ITS PRINCIPAL SECRETARY
NO. 222, 2ND FLOOR
VIDHANA SOUDHA
DR. B.R. AMBEDKAR VEEDHI
BENAGALURU-560 001.
2. THE DEPUY COMMISIONER



FOOD, CIVIL SUPPLIES
AND CONSUMER AFFAIRS DEPARTMENT
KEMPEGOWDA ROAD
BEHIND KANDAYA BHAVANA
BENGALURU - 560 009.

...RESPONDENTS

(BY SMT. NAVYA SHEKHAR, AGA FOR R1 AND R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ENDORSEMENT DATED 20.01.2026 BEARING NO.GI.AA.(NA)AA.AVAKA/73/2025.26 ISSUED BY THE R2 IN SO FAR AS DIRECTING THE PETITIONER TO FURNISH BANK GURANTEEE FOR A TOTAL SUM OF Rs.2,58,000/- FOR RELEASE THE VEHICLE BEARING REGISTRAR NO.KA 42 B 1468 IN FAVOR OF THE PETITIONER VIDE ANNEXURE-A.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



ORAL ORDER

The petitioner in the captioned writ petition calls in question the legality and correctness of the condition imposed by respondent No.2 while considering the petitioner's application for release of the seized vehicle. Though the competent authority has allowed the application for interim release, it has, by the impugned endorsement, insisted that the petitioner furnish a bank guarantee for a sum of Rs.2,58,000/- as a pre-condition for release of the vehicle. The petitioner, being aggrieved by the said onerous and arbitrary condition, is before this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Advocate appearing for the respondents. Perused the material placed on record.

3. The learned counsel for the petitioner, reiterating the grounds urged in the writ petition, would



contend that the condition imposed by respondent No.2 is wholly unsustainable in law. Placing reliance on the orders passed by Co-ordinate Benches of this Court, he would submit that the issue is no longer res integra. It is contended that in cases involving seizure of vehicles under the provisions of the Essential Commodities Act, 1955, this Court has consistently held that while granting interim custody or release of the vehicle, the authority cannot insist upon furnishing of a bank guarantee and that such insistence is contrary to settled legal principles.

4. This Court, on careful consideration of the submissions made and the material on record, finds that the issue raised in the present petition is squarely covered by a catena of decisions rendered by this Court. It is a consistent and well-settled view that, in respect of vehicles seized for alleged offences under the Essential Commodities Act, 1955, the competent authority, while ordering release, may impose reasonable conditions to secure production of the vehicle, but cannot insist upon



furnishing of a bank guarantee. Instead, it is permissible to require the owner to execute a personal bond or indemnity bond, and, in appropriate cases, to furnish immovable property as security to safeguard the interest of the proceedings.

5. In the light of the settled position of law, the condition imposed by respondent No.2 directing the petitioner to furnish a bank guarantee for a sum of Rs.2,58,000/- is found to be arbitrary, excessive and unsustainable. Such a condition defeats the very purpose of granting interim release and imposes an undue financial burden on the petitioner. Consequently, the impugned condition warrants interference by this Court.

6. Accordingly, for the foregoing reasons, this Court proceeds to pass the following:

ORDER

- (i) The writ petition is ***allowed***;



(ii) The impugned endorsement dated 20.01.2026 issued by respondent No.2 vide Annexure-A stands modified;

(iii) The petitioner, in lieu of furnishing a bank guarantee, is permitted to offer immovable property owned by him as security for the purpose of securing release of the vehicle;

(iv) The petitioner shall produce the original title documents along with a valuation report in respect of the said immovable property before respondent No.2 for due consideration;

(v) If petitioner does not possess immovable property shall execute a personal indemnity bond in favour of respondent No.2 undertaking to produce the vehicle as and when required;



(vi) Upon compliance with the aforesaid conditions, respondent No.2 shall forthwith release the vehicle to the petitioner, subject to such further reasonable conditions as may be deemed necessary in accordance with law.

SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE

CA
List No.: 1 Sl No.: 63