APHC010312602026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3504]
(Special Original Jurisdiction)

WEDNESDAY, THE 22nd DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 4999/2026

Between:

1. S LAKSHMI, , W/O S. CHANDRASEKHAR,AGED ABOUT 45 YEARS, OCC BUSINESS,R/O 1-1476, GATE KOTTALA, MUDIGUBBA,ANANTAPUR DISTRICT.OWNER OF EICHER VEHICLE NO AP-39-TN-3141

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, ,Rep. by it Public Prosecutor, High Court of Andhra Pradesh at Amaravati. Through the Station House Officer,Hindupur Rural Police Station, Sri Sathya Sai District Erstwhile Anantapuram District.

...RESPONDENT/COMPLAINANT

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Courtpleased to direct the respondents to release the Eicher Vehicle No: AP-39-TN-3141 which was seized on 17-05-2026 in connection to Crime No.42 of 2026 on the file of Hindupur Rural Police Station, Sri Sathya Sai District,

IA NO: 1 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased to dispense with filing of certified copy in FIR No.42 of 2026 on the file of Hindupur Rural Police Station, Sri Sathya Sai District dated 17-05-2026 pending disposal of the quash petition

Counsel for the Petitioner/accused:

1. SRAVAN KUMAR NAIDANA

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION No: 4999 of 2026

The Court made the following Order:

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioner herein, seeking to direct the respondent to release the vehicle i.e. Eicher Lorry bearing No.AP39 TN 3141 which was seized in connection with Crime No.42 of 2026 of Hindupur Rural Police Station, Sri Sathya Sai District, registered for the offence punishable under Section 7(1) read with Section 3 of the Essential Commodities Act, 1955.

2. Heard learned counsel for the petitioner and the learned Special Assistant Public Prosecutor appearing for the respondent/State.

3. Learned counsel for the petitioner submitted that the petitioner is the registered owner of the subject vehicle and that if the vehicle is exposed to sun and air, it gets damaged. It is his further submission that the petitioner is ready to abide by the conditions that may be imposed by this Court, if the vehicle is ordered for interim custody. He placed reliance on the decision of the Hon'ble Supreme Court of India in ***Sunderbhai Ambalal Desai v. State of Gujarat***[1].

4. Learned Special Assistant Public Prosecutor opposed the petitioner stating that investigation is pending.

[1] AIR 2003 SC 638

5. The offence alleged is punishable under Section 7 (1) of the Essential Commodities Act, 1955. Truth or otherwise of the allegations has to be decided during the course of investigation and trial. Admittedly, petitioner herein is the owner of the subject vehicle. If the vehicle is exposed to sun or air keeping in police station or court premises, unused, there is every possibility of the same getting damaged. Therefore, in the interest of justice, the vehicle can be ordered to be given for the interim custody of the petitioner, however, by imposing certain conditions.

6. Learned counsel for the petitioner relies on a decision of the Division Bench of this Court in the case of ***Naganath Vs. State of Andhra Pradesh***[2] **,** observed as follows:

> *"Having regard to the usage of the word, „driver" or „person-in-charge of the vehicle", the Government Pleader tried to contend that even for release of the vehicle, the 1 2021 (2) ALD 535 4 owner or the person claiming release of the vehicle has to pay penalty equal to the market value of the mineral along with seigniorage fee prevalent at that time. On a reading of the above Rule, there is nothing to indicate, the vehicle cannot be released, unless the penalty and seigniorage fee is paid. All that the rule states is that the penalty equal to market value of the mineral seized along with seigniorage fee prevalent at that time can be ordered to be paid at the time of interception of the vehicle, if driver or person-in-charge of the vehicle fails to produce a valid permit. But, nowhere the Rule postulates that the vehicle cannot be released, unless the same is paid."*

7. It is stated that relying on the above decision of the Division Bench, the writ petitions were disposed of earlier. One such decision is placed before me

[2] 2021 (2) ALD 535

in W.P.No.10954 of 2021, dated 06.07.2021, placing reliance on the same, the criminal petition is disposed of with the following directions:

(a) 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;

(b) 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

(c) on his executing an undertaking that he would produce the vehicle as and when directed by the trial Court till the case is disposed of, in the trial Court.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 21.07.2026
Note: Issue C.C.by 23.07.2026
B/o.
PSA

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION No.4999 of 2026

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