

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE THIRTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 1936 OF 2026

Between:

Smt. Shaik Bee Jan Bee, W/o Ramjan, Indian, Aged about 37 years, Occ: House Hold, R/o H.No.2-55, Mucherla Village, Kamepalli Mandal, Khammam (Town and District), Telangana State-507 002.

...Petitioner/Owner of the vehicle

AND

1. The State of Telangana, Rep. By Public Prosecutor, High Court for the State of Telangana, at Hyderabad.
2. The SHO, P.S. Kamepalli, Khammam District, Telangana State.

...Respondents/Complainant

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to allow the Criminal Petition, by setting aside the objection dt.29/01/2026 in CrI.M.P.Sr.No.15 of 2026 in Crime No.246/2025 on the file of Hon'ble Special Sessions Judge for Trial of cases Under NDPS Act-Cum-I Additional District and Sessions Judge, at Khammam, and consequently direct the 2nd respondent to release the Motor Bike, BAJAJ PULSAR-150 DTS BS-VI, bearing No.TG-04-D-5958, with Chasis number MD2A11CX35CE75270, forthwith to the Petitioner herein, in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P Venkanna, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent Nos.1 and 2.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.1936 of 2026

Date: 13.02.2026

Between:

Smt Shaik Bee Jan Bee

...Petitioner

AND

The State of Telangana, Represented by Public Prosecutor,
High Court for the State of Telangana, at Hyderabad and another.

..Respondents

ORDER

This Criminal Petition has been filed aggrieved by the order passed by the Sessions Judge for Trial of Cases under NDPS Act-cum-I Additional District and Sessions Judge at Kamamam (for short 'the Trial Court') in CrI.M.P.(SR).No.15 of 2026 in Crime No.246 of 2025 and consequently direct respondent No.2 to release the Motor Bike Bajaj Pulsar bearing registration No. G-04-D-5958 forthwith to the petitioner.

2. Heard Mr. P Venkanna, learned counsel for the petitioner and Mr. Jithendar Rao Veeramalla, learned Additional Public Prosecutor for respondent Nos.1 and 2.

3. Learned counsel for the petitioner submitted that the petitioner is the owner of the Motor Bike Bajaj Pulsar bearing registration No.TG-04-D-5958. The petitioner has not been made an accused and has not committed any offence. However, the petitioner's vehicle was taken into custody by respondent No.2 in connection with Crime No.246 of 2025. Thus, the petitioner has approached the Trial Court by filing an application under Section 503 of the Bhartiya Nagarik Suraksha Sanhitha, 2023 vide Crl.M.P.(SR).No.15 of 2026 in Crime No.246 of 2025 seeking interim custody of the vehicle. The learned Magistrate without properly appreciating the contentions raised by the petitioner returned the application on 28.01.2026 directing the petitioner to enclose the charge sheet, though the Investigating Officer has not filed final report. Hence the question of filing final report by the petitioner does not arise. Hence the petitioner is entitled to seek interim custody of the vehicle.

4. The learned Additional Public Prosecutor submitted to pass appropriate orders.

5. Having considered the rival submissions made by the respective parties and after perusal of the record, it is revealed that the Trial Court returned the application filed by the petitioner on 28.01.2026 by raising two objections i.e., Original Registration Certificate is not enclosed and charge sheet is not submitted. According to the learned counsel for petitioner, as on the date of filing of the application or till the date, the Investigating Officer has not filed charge sheet in Crime No.246 of 2025 and for adjudication of the interim custody of the vehicle, charge sheet is not required. Thus, this court is of the considered view that the petitioner is entitled to resubmit the application by raising the very same submissions which are pleaded in the present criminal petition.

6. Taking into consideration the peculiar facts and circumstances of the case, the petitioner is granted liberty to resubmit the application by complying the objections raised by the Trial Court. On receipt of such application, the learned Magistrate is directed to consider the same and release the vehicle in favour of

the petitioner after due verification of the documents and after obtaining necessary authorization, within a period of three (03) days from the date of re-submission of such application by the petitioner. The Registry is directed to return the certified copy of the petition to the learned counsel for the petitioner, after obtaining proper authorization.

7. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- AHMED ABDULLA KHAN
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Special Sessions Judge for Trial of Cases under NDPS Act-cum-l Additional District and Sessions Judge, Khammam
2. The Principal Junior Civil Judge cum Judicial Magistrate of First Class, Khammam
3. The SHO, P.S. Kamepalli, Khammam District, Telangana State.
4. One CC to Sri P Venkanna, Advocate [OPUC]
5. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

ABK /kam

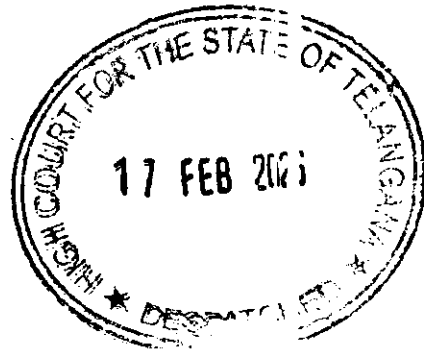


HIGH COURT

DATED: 13/02/2026

ORDER

CRI.P.No.1936 of 2026



DISPOSING OF THE CRIMINAL PETITION

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19/2/26