



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 31ST DAY OF AUGUST, 2024

BEFORE

THE HON'BLE MR. JUSTICE K NATARAJAN

CRIMINAL PETITION NO.201024 OF 2024

(482(Cr.PC)/528(BNSS))

BETWEEN:

MANUJ KHETAWAT
S/O LALIT KUMAR KHETAWAT
AGE: 48 YEARS, OCC: DIRECTOR,
BAT LOGISTICS SOLUTION PVT. LTD.,
RAMESHWARA APARTMENT
19A, SARAT BOSE ROAD, KOLKATA-700020.
THROUGH THE POWER OF ATTORNEY HOLDER,
SHASHI RANJAN KUMAR S/O JAGDISH RAY
AGE: 25 YEARS, OCC: BUSINESS,
R/O JAGDISHPUR @ MAKUNDAR,
VAISHALI BIHAR-844505

...PETITIONER

(BY SRI. SHIVANAND V. PATTANASHETTI, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH ZALAKI P.S. POLICE STATION,
DIST. VIJAYAPURA-586101
REP. BY ADDL. SPP HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585107

...RESPONDENT

(BY SRI. JAMADAR SHAHABUDDIN, HCGP)



THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 BNSS (NEW)/ U/SEC.482 OF CR.P.C (OLD) PRAYING TO SET ASIDE THE IMPUGNED ORDER PASSED IN CRL.MISC. NO. 175/2024 DATED 22.07.2024 BY THE PRL. DISTRICT AND SESSIONS JUDGE, VIJAYAPURA AND CONSEQUENTLY GRANT THE INTERIM CUSTODY OF LORRY (TRUCK) REGISTRATION NO. NL-01/AF-9508 BEARING CHASSIS NO. MC2BBSRFONE079494 (ENGINE NO.VEDX5*367846*K6* P), IN FAVOUR OF PETITIONER

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

CORAM: HON'BLE MR. JUSTICE K NATARAJAN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE K NATARAJAN)

This petition is filed by the petitioner/RC owner/holder of the vehicle under Section 528 of BNSS (482 of Cr.P.C.) for setting aside the order of dismissal by the Prl. District & Sessions Judge, Vijayapura dated 22.07.2024 in Crl.Misc. No.175/2024, under Section 457 of Cr.P.C.



2. Heard the arguments of learned counsel for the petitioner and learned High Court Government Pleader for the respondent-State.

3. The case of the petitioner is that the petitioner is the RC owner of the lorry truck bearing Reg.No.NL01/AF9508 and the same was seized by the Zalaki Police Station in Crime No.143/2023 when the truck was driven by the driver was found with possession of narcotic drugs and psychotropic substance. Hence, the vehicle was seized along with contraband articles. The accused-driver was taken to custody and the police seized the vehicle. The petitioner being the RC owner of the vehicle filed application for releasing the vehicle for interim custody, which came to be rejected by the impugned order dated 22.07.2024. Hence, the petitioner is before this Court.

4. The learned counsel for the petitioner has contended that the vehicle was driven by the driver which was entrusted to him but he was carrying some



contraband articles like narcotic drugs without the knowledge of the petitioner. The petitioner is running logistics company and national permit for shifting the goods from the one place to another place. The contraband articles was kept under beneath of the driver sheet and same is nothing to do with the knowledge of this petitioner. The police have already filed the charge-sheet and he is ready to abide by any conditions. Hence, prayed for allowing the petition.

5. Per contra, the learned High Court Government Pleader has objected the petition and prayed for dismissal of petition.

6. Having heard the learned counsel and perused the records, which reveals that admittedly, the police have intercepted the vehicle bearing Reg.No.NL01/AF-9508 and proceeding near the Indi Rural Police Station limit, where the PSI apprehended the vehicle. The driver-Prakash was driven the lorry and complaint was lodged to Zalaki Police Station, FIR was registered in Crime No.143/2023 for the



offence punishable under Section 15C, 17, 18 of the Narcotic Drugs & Psychotropic Substances Act (for short, hereinafter referred to as 'the NDPS Act').

7. The vehicle was seized on 25.12.2023 almost eight months over. The investigation is completed and charge-sheet has been filed. This Court in the case of ***Kawal Jeet Kaur vs. The State of Karnataka*** in Criminal Petition No.200895/2024 dated 05.08.2024 has held that the Court has power to release the vehicle under the NDPS Act, which is seized by the police under NDPS case. This Court relied upon the judgment of the Division Bench of this Court and has held that the Court has always power to release the vehicle to the interim custody of the RC owner.

8. Herein this case the vehicle was used for shifting the goods by the petitioner being a logistics person. However the driver who committed the offence by carrying contraband articles without knowledge the petitioner. Such being the case, dismissing the petition



and keeping the lorry in the Police Station idle will not serve any purpose. Therefore, by imposing certain conditions, if the vehicle is released in favour of the RC owner that will meet the ends of justice.

9. Accordingly, I proceed to pass the following:

ORDER

The petition is allowed.

The order of the Prl. Dist. & Sessions Judge passed under Section 457 of Cr.P.C. is hereby set aside.

The Trial Court is hereby directed to release the vehicle to the RC owner/PA holder of the RC owner, subject to following conditions:

- (i) The petitioner shall execute indemnity bond for Rs.10.00 lakhs with two sureties for the likesum to satisfaction of the Trial Court/Investigating Officer.



- (ii) The Investigating Officer shall take the photographs of the vehicle from all the angles with a panchanama and same shall be produced before the Court for the purpose of future identification of the vehicle.
- (iii) The petitioner shall produce the vehicle before the Trial Court/Investigating Officer as and when called for the purpose of identification or in case of confiscation.
- (iv) He shall not change the identity of the vehicle or its nature or the colour of the vehicle, until disposal of the main case.
- (v) The petitioner shall not sell the vehicle without permission of the Trial Court.

Sd/-
(K NATARAJAN)
JUDGE