

(2024) 06 KL CK 0105

In the High Court Of Kerala

Case No : Criminal Miscellaneous Petition No. 4413 Of 2024

Ajeesh Kumar K.A

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 14-06-2024

Acts Referred:

Citation : (2024) 06 KL CK 0105

Hon'ble Judges : Bechu Kurian Thomas, J

Bench : Single Bench

Advocate : Adithya Rajeev, S.Parvathi, Safa Navas, Ashi M.C

Final Decision : Allowed

Judgement

Bechu Kurian Thomas, J

1. Petitioner's vehicle bearing Registration No.KL 57 X 0195 was seized on 15.07.2023, alleging commission of offence under the Narcotic Drugs and Psychotropic Substances Act, 1985. Subsequently, petitioner filed an application for interim release of the vehicle. However, by the impugned order dated 19.09.2023, the Special Court for NDPS Act cases, Vatakara, dismissed the application after observing that the vehicle was used as a conveyance for transporting commercial quantities of contraband, and therefore, he is not entitled to get the interim custody.

2. In Shanil v. State of Kerala [2023 (2) KLT 430], and in Pradeep B v. District Drug Disposal Committee [2024 (2) KHC 274], this Court had already observed that even though confiscation proceedings are pending consideration, the same does not stand in the way of the Special Court for considering the application for release of vehicle on interim custody.

3. In view of the above, the reasoning stated by the Special Court for rejecting the application is not proper. Accordingly, I set aside the impugned order dated 19.09.2024, and direct the Special Court to reconsider the application for interim

custody, afresh after granting an opportunity of hearing to the petitioner as well as to the Drugs Disposal Committee, bearing in mind the propositions laid down by this Court in various decisions.

Criminal miscellaneous case is allowed as above.