

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1786 OF 2015

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ORDER:

This Criminal Revision Case is filed against the returned endorsement, dated 25.08.2015, passed in CFR No.1009 of 2015 in Crime No.178 of 2015, by the Judicial Magistrate of First Class (Excise & Prohibition Offences), Nalgonda.

The brief facts of the case are that on credible information of illegal storage of black jaggery and alum, the Sub-Inspector of Police, Nalgonda I-Town Police Station, rushed to the shop of the petitioner and on search, they found 150 bags of black jaggery, weighing about 75 quintals, and 70 bags of alum, weighing about 40 quintals. Then, the police seized the said stock registered a case in Crime No.178 of 2015 for the offence under Section 34(e) of the A.P. Excise Act. The petitioner-A1, filed an application before the Judicial Magistrate of First Class (Excise and Prohibition Offences), Nalgonda, for release of the seized stock stating that he is the owner of the same. The learned Magistrate returned the said application on the ground of jurisdiction. Hence, this revision.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is running a Kirana Shop in the name and style of "M/s.Santhosh Matha Kirana and General Merchant," and he purchased the black jaggery and alum under valid bills. He further submitted that since the property is perishable in nature, it would get damaged if it is not used, and the petitioner is ready and willing to furnish sufficient surety for release of the stock.

Learned Public Prosecutor also submitted that interim custody of the stock can be granted to the petitioner by imposing certain

conditions.

Considering these circumstances, the respondents are directed to release the stock i.e. black jaggery and alum seized in Crime No.178 of 2015 of I-Town Police Station, Nalgonda, to the petitioner for interim custody, subject to the final orders being passed in the main case, on petitioner executing a personal bond for Rs.1.00,000/- (Rupees one lakh only). This order will not stand in the way of the respondents to proceed with confiscation proceedings. If, already confiscation orders are passed, the order need not be given effect to.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

August 28, 2015.

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