

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

Case No. Crl.R.C. No.1409 of 2015

Between:

Nadipalli Sridevi W/o. N. Satyanarayana

... Petitioner/Appellant (s)

and

The State of Andhra Pradesh,
through S.H.O., Chintalapudi Proh.& Excise
Station, West Godavari District, rep.by its
Public Prosecutor, High Court, Hyderabad and another

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 23.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAJA ELANGO

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|---|---|--------|
| 1 | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| | | |
| 2 | Whether the copies of judgment may be
marked to Law Reports/Journals | Yes/No |
| | | |
| 3 | Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1409 OF 2015

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ORDER:

This Criminal Revision Case is filed against the proceedings in Rc.No.36/2015/A7, dated 02.02.2015, passed by the Deputy Commissioner of Prohibition & Excise, Eluru, West Godavair District.

The brief facts of the case are that on credible information about illegal storage of black jaggery, which is used for manufacturing illicit liquor, the Sub-Inspector of Police, Chinthalapudi P.S., along with his staff, raided on the godown of the petitioner and found 340 bags of black jaggery, each containing 50 kgs. The police seized the said stock and registered a case in Crime No.192 of 2014 for the offence under Section 34(e) read with 13(1) (f) of the A.P. Excise Act and order 3 of the GUR (Regulation of Use) Order, 1968. Thereafter, the case was transferred to the Prohibition & Excise Station, Chinthalapudi and re-registered as Crime No.657 of 2014-15. The petitioner, who claims to be the owner of black jaggery, filed a representation before the Deputy Commissioner of Prohibition & Excise, Eluru - 2nd respondent, for interim custody of the stock. The 2nd respondent rejected the said representation. Hence, this revision case is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is the owner of the black jaggery, that she is doing business in black jaggery and she purchased the said stock 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 and therefore, he prays for release of the property.

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 seized in Crime No.192 of 2014 of Chinthalapudi Police Station, which was transferred to Prohibition & Excise Station, Chinthalapudi and re-registered as Crime No.657 of 2014-15, 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.3,40,000/- (Rupees three lakhs forty thousand only). This order will not stand in the way of the respondents to proceed with confiscation proceedings.

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

RAJA ELANGO, J

July 23, 2015.
KTL