

**THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

**CRIMINAL PETITION No.1108 of 2015**

**ORDER:**

Heard both sides.

As seen from the record the offence alleged in this case is under Sections 34(e) and 50 of A.P. Excise Act, 1968. The grievance of the petitioner is that he is the owner of the vehicle i.e., Auto Rickshaw bearing No. AP 24 Y 8065 and the police have seized the vehicle and kept in the premises of Prohibition and Excise Police Station, Miryalaguda and it is subjected to speedy and natural decay and the learned Special Judicial Magistrate of First Class, Miryalaguda dismissed his petition in CrI.M.P.No.115 of 2015 in P.R.No.483 of 2014-15 dated 12.01.2015 on an erroneous ground that he has no jurisdiction to entertain the petition.

Having regard to the fact that the offence alleged is under Sections 34(3) and 50 of A.P. Excise Act, 1968, the Deputy Commissioner of Prohibition and Excise is the competent authority to pass an order for confiscation/release and interim custody etc., under Section 46-E of Excise Act. Therefore, the petitioner is directed to file petition seeking interim custody of the property seized and the Deputy Commissioner of Prohibition and Excise shall pass an order on merits thereon within one week from the date of filing of the petition before him.

The Criminal Petition is accordingly dismissed.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

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**U.DURGA PRASAD RAO,J**

25-02-2015

Murthy