

HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1308 of 2015

ORDER:

This revision case is filed by the petitioner aggrieved by the conditions imposed by the Deputy Commissioner of Prohibition and Excise, Vijayawada, Krishna District, in Rc.No.334/2014/B2, dated 15.05.2015.

Heard and perused the material available on record.

The facts of the case, in brief, are that while conducting rout-watch by the Sub-Inspector of Police of Excise Department, along with his staff, they found a person coming on Unicorn Motor Cycle with a gunny bag and on seeing them, that person tried to escape from that place. The police apprehended him and on search, they found 10 liters of ID arrack in his possession and on questioning him, he confessed that he is in the habit of selling the ID arrack. The police seized the contraband and the vehicle and arrested the accused and registered a case in Crime No.707 of 2014-15 on the file of the Prohibition and Excise Police Station, Tiruvuru, for the offence under Section 7(A) read with 8(e) of the A.P. Prohibition Act, 1995. The petitioner filed an application before the Deputy Commissioner of Prohibition & Excise, Vijayawada for release of his vehicle. The Deputy Commissioner through the order impugned, directed the Station House Officer, Prohibition & Excise Station, Tiruvuru to obtain the following documents from the petitioner for taking further action:

- “1. Upset Price of the vehicle from the concerned M.V.I.
2. An F.D.R. in favour of the Dy.Commissioner of Prohibition and Excise, Vijayawara for a period of 5 years (for full value of the vehicle as assessed by M.V.I).
3. An affidavit on Non-Judicial stamp paper worth Rs.10/- stating that the vehicle was not involved in any Excise crimes earlier.
4. An undertaking on Non-Judicial stamp paper worth Rs.100/- to the effect that the vehicle will not be sold out, alienated or part with in any manner and it will be produced before the authority in the present condition as and when called for etc., in usual proforma.

5. Copy of Identity Proof.”

Aggrieved over the condition No.2 i.e. to take an F.D.R. in favour of the Dy.Commissioner of Prohibition and Excise, Vijayawara for a period of 5 years (for full value of the vehicle as assessed by M.V.I), the present revision is filed.

After hearing the learned counsel for the petitioner and also upon perusing the record, this Court is inclined to pass the following order:

“The condition No.2 imposed in the Rc.No.334/2014/B2, dated 15.05.2015 passed by the Deputy Commissioner of Prohibition & Excise, Vijayawada to take FDR in favour of Dy.Commissioner of Prohibition & Excise, Vijayawada for a period of five years, is hereby set aside and the petitioner is directed to execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with on surety for the like sum.”

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

RAJA ELANGO, J

July 13, 2015

KTL