

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.23231 OF 2008

DATED 29th JUNE, 2015

Between:

N. Ramu

.. Petitioner

and

The Commissioner, Prohibition &
Excise, Government of Andhra
Pradesh, Hyderabad and others

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.23231 OF 2008

ORDER

This writ petition was filed assailing the order dated 19.04.2008 passed by the Commissioner, Prohibition & Excise, Hyderabad, confiscating the petitioner's Toyota Qualis vehicle bearing No.AP 28AL 2979.

The claim of the petitioner was that he had no knowledge of the use of his vehicle for commission of an excise offence. Miss G. Sneha, learned counsel appearing on behalf of Mr. P. Sri Raghu Ram, learned counsel for the petitioner, and the learned Government Pleader for Excise are at consensus that the judgment rendered by the Supreme Court in ***COMMISSIONER, PROHIBITION AND EXCISE, A.P. V/s. SHARANA GOUDA***^[1] would govern the issue raised in this case. Therein, the Supreme Court held that in the light of the omission of the Proviso to Section 45(2) of the Andhra Pradesh Excise Act, 1968, *mens rea* is no longer a required component for effecting confiscation of the vehicle.

In the light of the aforestated binding precedent, the petitioner has no surviving and redressable cause in terms of his claimed ignorance of the usage of his vehicle. This writ petition is therefore dismissed.

Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

29th JUNE, 2015
Svv

[\[1\]](#) 2007(6) SCC 42