

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1306 OF 2015

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ORDER:

This Criminal Revision Case is filed against docket order, dated 09.07.2015, passed in CFR No.1603 of 2015 by the Judicial Magistrate of First Class, Mahabubbad, arising out of Cr. No.356 of 2015-16 of Prohibition & Excise Police Station, Mahabubabad.

The brief facts of the case are that on credible information about illegal storage of black jaggery, the Sub-Inspector of Prohibition & Excise Station, Mahabubabad, along with his staff, raided the shop of the petitioner and seized 340 bags of black jaggery, each containing 50 kgs., and registered the above said case for the offence under Section 34(e) of the A.P. Excise Act. The petitioner-accused No.1, claiming to be the owner of black jaggery, filed an application before the Judicial Magistrate of First Class, Mahabubabad, for interim custody of the stock. The Court below rejected the said application through the impugned order on the ground of jurisdiction. Hence, this revision case is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner is the owner of the black jaggery and alum, that he is doing business in black jaggery and alum and he 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 jiggery seized in Crime No.356 of 2015-16 of Prohibition & Excise Station, Mahabubabad, 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 the confiscation proceedings.

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

RAJA ELANGO, J

July 13, 2015.
KTL