

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

**CRIMINAL PETITION No.1743 of 2015**

**ORDER:**

Heard both sides.

As seen from the record the offence alleged in this case is under Sec.7(a) r/w 8(e) of A.P. Prohibition Act, 1995. The grievance of the petitioner is that he is the owner of the vehicle i.e., TVS XL Super Heavy Duty bearing No.AP 16 CA 3908 and the police have seized the vehicle and kept in the premises of Prohibition and Excise Police Station, Nelakondapally, Khammam and it is subjected to speedy and natural decay and the learned Judicial Magistrate of First Class, Tiruvuru dismissed his petition in CrI.M.P.No.797 of 2015 in Crime No.1092/2014-15 of Prohibition and Excise, Tiruvuru dated 13.02.2015 on an erroneous ground that he has no jurisdiction to entertain the petition.

Having regard to the fact that the offence alleged is under Sec.7(a) r/w 8(e) of A.P. Prohibition Act, 1995, the Deputy Commissioner of Prohibition and Excise is the competent authority to pass an order for confiscation/release and interim custody etc., under Sections 13-E and 14 of Excise Act. Therefore, the petitioner is directed to file petition before the Deputy Commissioner of Prohibition and Excise seeking interim custody of the property seized and the said 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.

Accordingly, this Criminal Petition is dismissed.

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

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**U.DURGA PRASAD RAO,J**

Date: 17.03.2015  
SCS