

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.962 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 and Sec. 34(e) of A.P. Excise Act, 1968. The grievance of the petitioner is that he is the owner of the vehicle i.e., TVS Star City + BS III Motorcycle bearing No. TS 04 EA 8972 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 Special Judicial Magistrate of First Class, (Prohibition and Excise) Court, Khammam dismissed his petition in Crl.M.P.No.184 of 2015 in C.O.R.No.478 of 2014-15 dated 20.01.2015 on an erroneous ground that he has no jurisdiction to entertain the petition.

Having regard to the fact that the offence alleged is under Sec.7(a) r/w 8(e) of A.P. Prohibition Act, 1995 and Sec. 34(e) 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.

24-02-2015
Murthy

U.DURGA PRASAD RAO,J