

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 312 of 2015

ORDER :

The petitioner, who is A-2, preferred the present Revision under Sections 397 and 401 Cr.P.C., aggrieved by the docket order dated 06.01.2015 wherein an application filed under Sections 457 and 451 Cr.P.C., was returned on the ground of maintainability.

The case of prosecution is as follows

On 20.11.2014 at about 1.30 p.m., the Prohibition and Excise Inspector and Sub Inspector raided Venkatesham Kirana shop, Gunjroad, Parigi, and found 15 liters of ID liquor, 15 liters of FS wash, 10 kgs of black jaggery, 2008 kgs of Black jaggery and 100 kgs of Narasagaram. The said property was seized from the possession of the accused and samples were drawn under the cover of a panchanama. Basing on the above allegations, a case came to be registered against the accused.

The learned counsel for the petitioner submits that he is the owner of Venkatesham Kirana shop, Gunjroad, Parigi and is doing business in sale of black jaggery. It is to be noted that no licence or permission is necessary for doing business in jaggery as such he seeks interim custody of the seized stock.

Learned Public Prosecutor on instructions stated that the said material, which has been seized by the officers, is still in the custody of the police and the same is not handedover to the Excise Department.

In **Ulli Bhaskar v. State of A.P.**, black jaggery and alum were seized under the provisions of the Excise Act and under the provisions of Prohibition Act. The Court held that black jaggery and alum are not intoxicants and that their sale cannot be subject matter of punishment.

Further, the Circulars issued by the Government from time to time shows that the possession and transport of black jaggery is not an offence as there are no

restrictions for its possession. A perusal of the material placed before this Court does not in anywhere indicate that the material which was seized from the petitioner was being used for making illicit distilled liquor. However, there is no dispute that the petitioner had license to deal with the said material. In view of the above, I am inclined to release the material in favour of the petitioner.

Accordingly, the Criminal Revision is allowed and i) 50 Kgs 23 plastic bags, ii) 3 Kgs 286 plastic bags iii) 50 Kgs 2 plastic bags of Black Jaggery bags seized from the petitioner in Crime No.985 of 2014 of P & E Parigi Station, shall be released in favour of the petitioner on his executing a personal bond for Rs.1,50,000/- with one surety to the satisfaction of the Judicial First Class Magistrate, Parigi, Ranga Reddy District. It is made clear that the said order shall not preclude the authorities in proceeding further in accordance with law.

Miscellaneous petitions, if any filed in this Revision, shall stand closed.

JUSTICE C.PRAVEEN KUMAR

Date: 09.04.2015

GM