

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.5652 of 2015

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ORDER:

Heard.

The petitioner states that he is the owner of Bajaj Auto Rickshaw bearing No.AP-03-TC-5422. The said vehicle was seized by the 4th respondent on 05-09-2014 while being driven by one Sri Om Murthy transporting I.D.liquor and accordingly a case in Cr.No.396/2014 was registered against the said Om Murthy for the offence punishable under Section 7A read with Section 8(e) of A.P. Prohibition Act, 1995. The petitioner filed Crl.P.M.P.No.2985 of 2014 before Special Judicial Magistrate of First Class for Prohibition and Excise Court, Chittoor, under Section 451 Cr.P.C. seeking interim custody of the vehicle in question. However, the said application was rejected on 23-09-2014 giving liberty to the petitioner to approach the 3rd respondent-Deputy Commissioner of Prohibition and Excise, Chittoor, who is competent to pass appropriate orders with regard to release of vehicle. The petitioner, however, has not made any application before the 3rd respondent and has straight away approached this Court by way of present writ petition.

Since the petitioner seeks interim release of the vehicle in question, it is open to the petitioner to approach the 3rd respondent and if any such application is filed by the petitioner, the 3rd respondent shall consider the same and pass appropriate orders expeditiously.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 09-03-2015

Prv

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