

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.31463 OF 2012

DATED 29th JUNE, 2015

Between:

S. Lakshmana Rao

.. Petitioner

and

The Commissioner, Prohibition &
Excise, A.P., and others

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.31463 OF 2012

ORDER

The petitioner in this case was aggrieved by the rejection of his appeal by the Commissioner of Prohibition and Excise, Andhra Pradesh, whereby the petitioner had challenged the confiscation of his Indica Car. The said Car was seized by the excise authorities of the State of Andhra Pradesh in connection with an excise offence which was registered as Crime No.92/2011-12 under Section 34(a) of the Excise Act, 1968 on the file of the Station House Officer, Prohibition and Excise, Circle IV, Visakhapatnam. The subject offence registered against the petitioner was the subject matter of C.C.No.7 of 2012 on the file of the learned Special Judicial First Class Magistrate (Prohibition and Excise), Visakhapatnam. By judgment dated 26.07.2012 the learned judge held that the search and seizure effected by the excise authorities was in contravention of Section 100(4) Cr.P.C. and accordingly acquitted the petitioner and another accused. Learned Assistant Government Pleader for Excise states on instructions that the said judgment has attained finality.

In that view of the matter, it is not open to the excise authorities to retain possession of the petitioner's Indica Car bearing No.AP31 TV 3241. There shall accordingly be a direction to the respondents to forthwith return the said vehicle to the petitioner.

The writ petition is allowed to the extent indicated above. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

29th JUNE, 2015

PGS