THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION NO. 499 of 2015

ORDER:

Upon hearing the learned counsel for petitioner, at the admission stage, the petition is ordered as follows:

It is seen that the offences alleged in this case are under Section 7 (a) read with 8 (e) of A.P. Prohibition Act, 1995. The grievance of the petitioner is that he is the registered owner of Hero Honda Splendor Plus Motor Cycle bearing No. AP 20 AD 8881 and the police have seized the vehicle and kept in the premises of Tiruvuru Excise Police Station, Krishna District and it is subjected to speedy and natural decay and the learned Judicial Magistrate of First Class, Tiruvur, dismissed his petition in Crl.M.P.No.6874 of 2014 on an erroneous ground that he has no jurisdiction to entertain the petition.

Having regard to the fact that the offences alleged are under Section 7 (a) read with 8 (e) of A.P. Prohibition Act, 1995 and as per Sections 13-E and 14 of Andhra Pradesh 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., the petitioner is directed to file a 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.

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

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U.DURGA PRASAD RAO,J

09-02-2015

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THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRL.P. No. 499 of 2015

Dt. 09.02.2015

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