

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO
CRIMINAL PETITION No.1548 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. The grievance of the petitioner is that he is the registered owner of the vehicle i.e., Hero Splendor Plus bearing No.AP 20 AR 0050 and the police have seized the vehicle and kept in the premises of Prohibition and Excise Police Station, Bhadrachalam, Khammam and it is subjected to speedy and natural decay and the learned Judicial Magistrate of First Class, at Bhadrachalam dismissed his petition in P.R.No.456/2014-15 dated 22.12.2014 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, 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.

U.DURGA PRASAD RAO, J

Date: 11.03.2015
SCS