

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION NO.438 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 offence alleged in this case is under Section 34(e) of A.P. Excise Act, 1968. The grievance of the petitioner is that he is the licensed holder and owner of the property i.e., black jaggery of 20 bags, each bag containing 50 Kgs, worth Rs.30,000/- and the police have seized the property and kept in the premises of Excise Police Station, Burgamphad, and it is subjected to speedy decay and the learned Judicial First Class Magistrate, Bhadrachalam, returned his petition filed under Section 457 Cr.P.C on an erroneous ground that he has no jurisdiction to entertain the petition.

Having regard to the fact that the offence alleged is under Section 34(e) of A.P. Excise Act and as per Section 46 of the Excise Act, 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.

U.DURGA PRASAD RAO,J

06-02-2015

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CRL.P. No. 438 of 2015

Dt. 06.02.2015

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