

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1119 OF 2015

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ORDER:

This Criminal Revision Case is filed against order, dated 12.06.2015, passed in CrI.M.P.No.14 of 2015 in Cr. No.135/2015 of Mills Colony Police Station, Warangal (U) District, by the Special Judicial Magistrate of First Class for Prohibition & Excise Cases, Warangal.

The brief facts of the case are that on reliable information, the Assistant Sub-Inspector of Police of P.S., Mills Colony along with his staff, conducted vehicle checking and when they reached Gavicherla Cross Road, Rangashaipet, Warangal, they found one lorry came from Wardhannapet side and the movements of the driver and cleaner are under suspicious circumstances. On seeing the police, the driver and cleaner tried to escape from that place. The police apprehended the driver and cleaner and on checking the lorry, they found black jaggery, alum and ID liquor. In the presence of mediators, the ASI seized the contraband and the vehicle and arrested the accused. Thereafter, the police registered the above said crime for the offence under Section 34(e) of A.P. Excise Act and 7 (A) of the A.P. Prohibition Act. The petitioner, who claims to be the owner of jaggery, alum and ID liquor, filed CrI.M.P. No.14 of 2015 before the Special Judicial Magistrate of First Class for Prohibition & Excise Cases, Warangal for interim custody of the contraband. The Court below rejected the said application through the impugned order on the ground of jurisdiction. Hence, this revision case is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the Court below has erred in rejecting the application of the petitioner and the petitioner is a licence holder to do business in selling the jaggery and alum and

he purchased the same under valid bills. He further submitted that since the property is perishable in nature, it would get damaged if it is not used and the petitioner is ready and willing to furnish sufficient surety and therefore, he prays for release of the property.

Learned Public Prosecutor also submitted that the case property can be released to the petitioner by imposing certain conditions.

Having regard to the facts and circumstances of the case and also in view of the submission of the learned Public Prosecutor, this Court is of the view that the case property can be released to the petitioner for his interim custody.

In the circumstances, the respondents are directed to release the case property i.e. black jaggery, alum and ID liquor, seized by the Police, P.S., Mills Colony, Warangal, in Cr No.135/2015, to the interim custody of the petitioner, subject to the final orders being passed in the main case, on his executing a personal bond for Rs.4,40,000/- (Rupees four lakhs forty thousand only). This order will not stand in the way of the respondents to proceed with the confiscation proceedings.

Accordingly, the Criminal Revision Case is disposed of. The Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 26, 2015.
KTL