

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1792 OF 2015

ORDER:

This Criminal Revision Case is filed against the order, dated 18.08.2015, passed in CrI.M.P. No.277 of 2015 in P.R. No.416 of 2015-16, by the Special Judicial Magistrate of First Class for Prohibition and Excise at Warangal.

The brief facts of the case are that on reliable information on 01.08.2015, the Sub-Inspector of Police, Prohibition & Excise, Wardhannapet, conducted raids and detected a case of illegal possession of black jaggery in a Jeep. The accused persons were absconded from the scene of offence. The police seized the property in the presence of panchas and registered the above said crime. The petitioner – A1 filed an application before the Additional Judicial Magistrate of First Class for Prohibition and Excise Cases, Warangal, for release of the seized stock, stating that he is the owner of the said stock. The learned Magistrate dismissed the said application on the ground of jurisdiction. Hence, this revision.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is having licence for selling the black jaggery and 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 for release of the stock.

Learned Public Prosecutor also submitted that interim custody of the stock can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, the respondent is directed to

release the stock i.e. black jaggery seized in Crime No.416 of 2014-15 of Prohibition & Excise Police Station, Warangal, to the petitioner for interim custody, subject to the final orders being passed in the main case, on petitioner executing a personal bond for Rs.12,000/- (Rupees twelve thousand only). This order will not stand in the way of the respondent to proceed with confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

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

RAJA ELANGO, J

August 28, 2015.
KTL