

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.16641 of 2011

ORDER:

The petitioner is the owner of vehicle bearing registration No.AP02W 6932, which was hired by a third-party. On 13.04.2009, when it was being plied, the Excise Staff at Uravakonda seized the vehicle along with Karnataka Liquor and other contraband under the Panchanama. The petitioner filed an application for release of the vehicle and the vehicle was released, pursuant to the direction issued by this Court in W.P.No.27740 of 2009 dated 21.12.2009, on furnishing a third-party security for the value of Rs.3,00,000/-. Thereafter respondent No.2 issued a notice under Section 13(A) of the A.P. Prohibition Act, 1995 calling for explanation before ordering confiscation of the vehicle. The petitioner submitted his explanation. On considering the explanation, respondent No.2 passed an order on 14.09.2010 confiscating the Maxi Cab Cruiser bearing registration No.AP02W 6932 to the State. Challenging the same, the petitioner preferred an appeal to respondent No.1. Before respondent No.1, the only ground that was raised is that the owner of vehicle, who is the petitioner herein, had no knowledge of the vehicle being used for the transport of contraband and the huge quantity of contraband seized cannot fit in the vehicle. When the appellate authority questioned the appellant how the quantity cannot fit in the vehicle, the appellant could not give an answer. Accordingly, the appeal was dismissed confirming the order passed by respondent No.2. This writ petition was filed challenging the said order.

Having perused the order passed by the respondents 1 and 2 and in the absence of proper material for this Court to come to a different conclusion, this Court is of the opinion that the orders passed by the respondents 1 and 2 do not need any interference.

Accordingly, this Writ Petition is dismissed. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

15.02.2016

MVA