

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.31329 of 2016

ORDER:

Questioning the seizure of Hero HF-D Motor Cycle bearing Registration No.AP 20 AR 5892 in connection with COR.No.131 of 2016 by the Station House Officer, Bugampahad Prohibition and Excise Station, Khammam District, the present writ petition is filed.

2. As per Sections 12 and 13 of the Andhra Pradesh Prohibition Act read with Sections 46 and 45 of the Andhra Pradesh Excise Act, the Deputy Commissioner of Prohibition & Excise concerned has the competence to deal with any such motor vehicle and initiate proceedings for its confiscation. If a motor vehicle is kept idle and not used for long, it is more likely that it will get rusted because of gathering of fine particles of dust and other material and hence, it would be more appropriate to entrust the interim custody to an appropriate person.

3. If the petitioner approaches the second respondent, Deputy Commissioner of Prohibition & Excise, Khammam, with an application, enclosing thereto a Fixed Deposit Receipt (FDR) drawn in favour of the Deputy Commissioner Excise on any nationalized bank payable at Khammam, in a sum of Rs.10,000/- (Rupees Ten Thousand only), the motor vehicle bearing Registration No.AP 20 AR 5892 may be entrusted for interim custody to the petitioner, provided he produces necessary material in the form of the Registration Certificate (RC) of the vehicle and also his identity proof and furnishing an undertaking

that he will keep the vehicle insured at all times and that he will keep it in good running condition by maintaining it regularly, and that he will not create any third party interests or charge thereon and that he will not alienate the same. So far as the contraband is concerned, the same can be examined for entrustment or otherwise only upon finalization of the confiscation proceedings. It shall also be open to the Deputy Commissioner of Prohibition & Excise to secure valuation of the motor vehicle by referring it to the Motor Vehicle Inspector.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

September 17, 2016
DSK



S. V. BHATT, J