

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.11511 of 2016

ORDER:

The prayer of the petitioner in this case is as under:

“The Hon'ble Court may be pleased the Hon'ble Court may be pleased to issue writ of mandamus or any other appropriate writ directing the Respondent No. 2 and 3 to release the Vehicle bearing No. AP05CK4046 which was been confiscated in Crime No. 325/2015-2016 dated 13.09.2015 before the 3rd Respondent which is under control the 2nd Respondent and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

It appears that the petitioner's motorcycle is under seizure in connection with an excise offence. However, it would be for the excise authorities concerned to exercise their discretion as to whether the continued seizure of the petitioner's motorcycle is necessary.

The writ petition is accordingly disposed of permitting the petitioner to make an application to the Deputy Commissioner, Prohibition and Excise, Kakinada, East Godavari District, the 2nd respondent, seeking release of his seized motorcycle. The 2nd respondent shall thereupon consider the said application in accordance with law and take appropriate action thereon. In the event the 2nd respondent decides to release the petitioner's motorcycle, it would open to him to impose such conditions as are deemed reasonable and necessary, including payment of penalty and an undertaking by the petitioner that he would not alienate or encumber the motorcycle pending the proceedings.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:07.04.2016

GJ