

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2478 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. being aggrieved by the order dated 16-02-2016 in CFR No.366 of 2016 in COR.No.112 of 2016 on the file of Judicial First Class Magistrate, Mulugu, Warangal District whereby and whereunder the request for release of Lorry bearing No.AP-21-T-9997 was rejected.

Heard and perused the material available on record.

The petitioner herein filed a petition in Crl.M.P.No.366 of 2016 in COR No.112 of 2016 under Section 457 Cr.P.C. seeking release of lorry bearing No.AP-21-T-9997 seized by the Prohibition and Excise Police, Mulug in connection with the crime in COR No.112 of 2016, for the offence punishable under Section 34 (e) of A.P. Excise Act, 1968. The learned Judicial Magistrate of First Class, Mulug returned the said application, on the ground that the Court has no jurisdiction to entertain the said application. Aggrieved by the same, the present criminal petition is filed.

Learned Counsel for the petitioner submits that the Court below has jurisdiction to entertain the above application and direct the authorities concerned to release the seized vehicle and that if the said lorry is kept idle and unattended, there is every likelihood of the lorry getting damaged and spoiled due to exposure to the sun and air. He further stated that due to seizure of the vehicle, the petitioner is suffering loss as he is loosing his day to day income, and hence he seeks for release of vehicle.

Considering the facts and circumstances of the case, the lorry bearing No.AP-21-T-9997 seized in COR No.112 of 2016 of Prohibition and Excise Police Station, Mulugu, shall be given for interim custody with the following directions:

- 1) That the petitioner shall execute a personal bond for Rs.3,00,000/- (Rupees three lakhs only) with one surety for a like sum to the satisfaction of the Judicial Magistrate of First Class, Mulugu.
- 2) That the petitioner shall produce the original Registration Certificate of the vehicle in the Court.
- 3) That the petitioner shall give an undertaking to produce the vehicle as and when required by the Court and also give an undertaking not to alienate, encumber or alter the physical features of the said lorry.

With the above directions, the Criminal Petition is allowed. Consequently, miscellaneous petitions filed in the criminal petition, if any, shall stand closed.

RAJA ELANGO, J

Date: 25-02-2016

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