

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38581 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondent No.2 in not releasing the petitioner's vehicle i.e., Splendor Pro Motor Cycle bearing registration No.AP-36-AS-3265 seized in Crime No.147 of 2016 in spite of the readiness of the petitioner to furnish the third party surety as illegal and arbitrary and consequently, direct respondent No.2 to release the said vehicle in his favour.

2. Heard and perused the material available on record.

3. Case of the petitioner is that on 26.10.2016, while he was proceeding on his motor cycle towards Chennaraopet Village, one unknown person stopped and asked him to drop him at Chennaraopet Village for which, he agreed to drop him on his motor cycle and when he reached Earya Tanda limits of Chennaraopet Village, he found the police conducting vehicle check and on seeing the police, the pillion rider jumped from the vehicle and ran away leaving his bag and by that time, the police reached him and found illicit liquor in plastic bottles. Though he pleaded innocence, respondent No.2 registered the aforementioned crime for the offence punishable under Section 7(A) read with 8(e) of the A.P. Prohibition Act, 1995.

4. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged.

He further submitted that the petitioner is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court.

5. Learned Assistant Government Pleader for Home objected for the same since the vehicle is involved in a crime.

6. Considering these circumstances, it is directed that the vehicle i.e., Splendor Pro Motor Cycle bearing registration No.AP-36-AS-3265 shall be released for interim custody of the petitioner subject to final orders to be passed in the above crime on petitioner furnishing a personal bond for Rs.30,000/- (Rupees thirty thousand only) with one surety for the like sum to the satisfaction of the Station House Officer, Chennaraopet Police Station, Warangal District, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the crime and further, the petitioner shall undertake to produce the vehicle as and when required by the Court.

7. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

9.11.2016
AMD/KTL

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