

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42675 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare seizure of the vehicle of the petitioner i.e. Bolero Maxi Truck bearing No.AP 26 TB 4667, under cover of panchanama on 21.10.2016, and the consequential letter issued by the 3rd respondent to the 2nd respondent, as illegal and arbitrary.

Heard and perused the material available on record.

The case in brief is that while the vehicle of the petitioner i.e. Bolero Maxi Truck bearing No.AP 26 TB 4667 was transporting ground nut bags, 65 in number, on 21.10.2016, the 3rd respondent seized the said goods during the course of vehicle checkup, on the ground that the said goods are transporting illegally and subsequently, he wrote a letter to the 2nd respondent forwarding the vehicle to the 2nd respondent for taking suitable action as it was involved in illegal transportation of ground nut.

Learned counsel for the petitioner submitted that the petitioner never used his vehicle in any illegal activity and that the said vehicle is the only source of income to the petitioner and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged and the petitioner is ready to furnish surety for release of the vehicle.

Learned Government Pleader for Home objects for releasing the vehicle, since it is involved in a crime.

Considering these circumstances, the 2nd respondent is directed to release the vehicle i.e. Bolero Maxi Truck bearing No.AP 26 TB 4667, for

interim custody of the petitioner, on petitioner executing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum to the satisfaction of 2nd respondent, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate and shall not change the physical features of the vehicle and shall undertake to produce the vehicle as and when required by the authorities.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

December 08, 2016.
KTL

RAJA ELANGO, J



