

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38514 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 producing the vehicle i.e., Passion Pro Motor Cycle bearing No.AP 29 AY 5258 which was seized on 30.7.2016 in connection with registration of Crime No.378 of 2016 on the file of Neredmet Police Station, Cyberabad registered for an offence under Section 34(a) of the A.P. Excise Act, 1968 against the petitioner even after repeated requests as illegal and arbitrary and consequently, direct respondent No.2 to release the said vehicle in his favour forthwith.

2. Heard and perused the material available on record.
3. Case of the prosecution is that on 30.7.2016, at 1600 hours, respondent No.2 has seized the aforementioned vehicle of the petitioner in connection with Crime No.378 of 2016 on the file of Neredmet Police Station, Cyberabad on the ground that the petitioner was found with a gunny bag containing Madras Quarter bottle 180 ml – 10 Nos., Mc. Dowells No.1 Luxury XXX Rum Quarter bottle 180 ml – 10 Nos., Officers Choice Quarter bottle 180 ml – 10 Nos., Director Special Fine Whisky Quarter bottle 180 ml – 10 Nos. The said bottles and the vehicle were seized by respondent No.2. Even after repeated requests, the said vehicle has not been produced before the Court or given interim custody to the petitioner.

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., Passion Pro Motor Cycle bearing No.AP 29 AY 5258 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, Neredmet Police Station, Cyberabad 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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Date: 9.11.2016

AMD/KTL