

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 31338 OF 2016

ORDER :

The case of the petitioner is that as part of his business, he sold 11700 kgs. of black jaggery to M/s Ravi Kirana and General Merchant, Asareilly Taluq, Sirvanha, Maharashtra under a valid bill and when the same was being transported in a lorry bearing Registration No. OR-07-L-5671, on 25.08.2016, it was intercepted at Nagulamma X Road, Vallamkunta by Koyyuru Police and was handed over to the 3rd respondent Station House Officer, Manthani Prohibition & Excise Station, who has registered a case in COR No. 519 of 2016 for the offence punishable under Section 34(e) of the Andhra Pradesh Excise Act, 1968. According to the petitioner, if the jaggery is not released, its quality would deteriorate and thus, he would sustain heavy losses. Hence, he filed the present Writ Petition seeking release of the seized stock.

Heard learned counsel for the petitioner as well as learned Government Pleader for Prohibition & Excise (Telangana).

Section 46 of the 1968 Act empowers the Deputy Commissioner of Prohibition & Excise to consider, in given circumstances, release of the seized stock, on an Application being made by the aggrieved party.

In this case, since the petitioner has not approached the 2nd respondent Deputy Commissioner, at the first instance, without going deep into the matter, liberty is preserved to him to approach the 2nd respondent by way of an Application seeking release of the

seized goods. As and when such an Application is made, the same shall be considered within a period of two weeks thereafter.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed.

20th October 2016

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CHALLA KODANDA RAM, J

