

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2467 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to release Auto Rickshaw bearing Regd.No.TS-04-UA-2825 seized in C.O.R.No.20 of 2016 by the Prohibition and Excise Police Station, Nalakondapally, Khammam.

Heard and perused the material available on record.

The petitioner herein filed a petition in under Section 457 Cr.P.C. seeking release of auto rickshaw bearing No.TS-04-UA-2825 seized by the Prohibition and Excise Police, Nalakondapally in connection with the crime in COR No.20 of 2016, for the offence punishable under Section 7(A) read with Section 8(e) of A.P. Prohibition Act read with Section 34 (e) of A.P. Excise Act, 1968. The learned Judicial Magistrate of First Class, Khammam 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 Auto rickshaw bearing No.TS-04-UA-2825 seized by the Prohibition and Excise Police, Nalakondapally in connection with

the crime in COR No.20 of 2016, shall be given for interim custody with the following directions:

- 1) That the petitioner shall execute a bank guarantee for Rs.50,000/- (Rupees fifty thousand only) with one surety for a like sum to the satisfaction of the Judicial Magistrate of First Class-cum-Special Court for trial of Prohibition and Excise Offences, at Khammam;
- 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: 26-02-2016

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