

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.7829 of 2016

ORDER

The petitioner is accused and owner of the vehicle. His vehicle BMW 320D Car bearing registration No.TS 08EK 8271 is involved in the commission of the offence by transporting the whisky and beer bottles in the said vehicle. The petitioner sought for return of the vehicle for interim custody in CrI.M.P.No.1724 of 2016 in Crime No.95 of 2016 of Amangal Police Station, Mahaboobnagar District. The petition was returned by the trial Court *inter alia* on the ground that the vehicle was not deposited and it involved in Excise offences under the Andhra Pradesh Excise Act. However, as the petitioner claims to be owner of the offending vehicle, I deem it appropriate to return the vehicle to the petitioner for interim custody, as the non-user of the vehicle is likely to spoil the vehicle. However, the petitioner shall have the interim custody of the vehicle on certain terms and conditions.

2. Accordingly, this criminal petition is allowed. Interim custody of the vehicle i.e., BMW 320D Car bearing registration No.TS 08EK 8271 be granted to the petitioner/accused, subject to the condition that the petitioner proves the ownership of the said vehicle and furnishes personal security for a sum of Rs.20,00,000/- (Rupees twenty lakhs only) together with one surety in a like sum and also on further conditions, viz.,

- (i) the petitioner shall not tamper with the vehicle in any manner and shall maintain the vehicle as it stands as on today;
- (ii) the petitioner shall produce the vehicle as and when directed by the trial Court.
- (iii) the custody is only interim custody; consequently, the petitioner shall not put the vehicle to any use other than his personal use, and

(iv) the petitioner shall not sell or otherwise dispose of or alienate the vehicle until disposal of the main case.

3. Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 08.06.2016

siva