

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.6377 of 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner seeking to release the Four Liquor Cartons containing 48 liquor bottles, which are seized in connection with C.C.No.39 of 2015 (arising out of F.I.R.No.73 of 2014 of Rein Bazar Police Station), for the offence under Section 34(a) of A.P. Excise Act.

The brief facts of the case are as follows :

The son of the petitioner was prosecuted for an offence under Section 34(a) of A.P. Excise Act. The allegation is that he was found in possession of 4 liquor cartons containing 12 bottles i.e., total of 48 liquor bottles Royal Stag make, each bottle of 750 ml. The trial Court, after due trial, acquitted the son of the petitioner observing that, "the accused disproved the charge framed against him by producing the positive and cogent evidence Ex.D1 and D2. According to them, in view of Ex.D1 permit/licence the father of the accused entitled to supply IMF in a function hall at Vijaya Garden from 7 PM to 11 PM. In this connection, the accused being the son of Ramesh who is a licence holder was helping his father to transport the said liquor to the said function by 4 PM on the same day. It is reasonably expected time to start supply considering the factors like the

traffic and distance in the city.”

In view of the above, this Court is of the view that the material seized by the Respondent and which is in possession of the Respondent can be directed to be returned to the petitioner.

Accordingly, the Criminal Petition is allowed directing the Respondent herein to return all the material concerned with crime No.73 of 2014 of Rein Bazar Police Station, to the petitioner herein.

RAJA ELANGO, J.

26-04-2016

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