

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37322 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 2nd respondent in not releasing the stocks seized in Crime No.76 of 2016 in spite of readiness of the petitioner to furnish the third party surety, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner is engaging in the business of purchase and sale of black jaggery and other kirana items. The petitioner sold 8.5 tons of black jaggery (183 bags each containing 50 kgs.) to a customer under valid bill, dated 28.10.2016, and loaded the same in a TATA Mini Lorry bearing No.AP 05TC 3344 on payment of hire charges. The 2nd respondent intercepted the vehicle and in a routine and mechanical manner, seized the vehicle along with the stocks and registered a case in Crime No.76 of 2016 under Section 34(e) of the A.P. Excise Act, 1968.

Learned Counsel for the petitioner submitted that the value of the seized property will be diminished if it is kept idle in the premises of 2nd respondent.

Admittedly, black jaggery seized from the possession of the petitioner in the above referred crime is not a prohibited article under any law and its possession is also not barred by the provisions of any Statute.

Considering these circumstances, interim custody of 8.5 tons of black jaggery (183 bags each containing 50 kgs.) seized in the above referred crime shall be entrusted to the interim custody of the petitioner on his execution of a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) to the satisfaction of the concerned Magistrate.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 2nd November, 2016

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