

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43026 of 2016

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to direct respondents Nos.3 and 4 to release the lorry bearing No.TN 34 V 4312, seized in FIR No.158 of 2016 on the file of Sattenapalli Rural Police Station, Guntur District.
2. Heard and perused the material available on record.
3. It is case of the petitioner that he is the owner of the above lorry and he is doing transport business, and while the rice was being transported, the above vehicle along with the load was seized on the ground that A3 loaded PDS rice bags in the lorry for transporting to Palagath, Kerala. The petitioner is no way concerned with the said allegations. Further, it is the case of the petitioner that the vehicle is kept at the police station and if it is exposed to sun and rain, there is every possibility of damage to the vehicle.
4. Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, the Writ Petition is disposed of with the following directions:

“Respondents Nos.3 and 4 are directed to release the lorry bearing No.TN 34 V 4312 seized in FIR No.158 of 2016 for interim custody of the petitioner on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with one surety for the like sum to the satisfaction of the 3rd respondent, subject to final orders to be passed at the time of disposal of above crime, and also on production of original

R.C. book. The petitioner is directed to file an affidavit before the 3rd respondent undertaking that he shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the above crime, and further he shall produce the vehicle as and when required.”

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date: 9th December, 2016
Nn

RAJA ELANGO, J



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