

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38585 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondent No.2 in not releasing the petitioner's stocks i.e., 16 bags of black jaggery each containing 50 kgs., totalling 800 kgs., seized in Crime No.123 of 2016 in spite of the readiness of the petitioner to furnish third party surety as illegal and arbitrary and consequently, direct respondent No.2 to release the said stocks.

2. Heard and perused the material available on record.
3. Case of the petitioner is that on 28.9.2016, the police belonging to respondent No.2 police station surprised his shop and seized the aforesaid black jaggery on the ground that the said jaggery is used for manufacturing illicit liquor and registered the aforementioned crime for the offence under Section 34(e) of the A.P. Excise Act, 1968.
4. Learned counsel for the petitioner submitted that black jaggery is not a prohibited item and that the petitioner is purchasing the same under valid bills and he is doing business under valid licence and hence, prayed for release of the stock seized in the above crime.
5. Considering the facts and circumstances of the case, the Station House Officer concerned is directed to release the stock i.e., 16 bags of black jaggery each containing 50 kgs., totalling 800 kgs., seized in the above crime to the petitioner on condition of his

executing a personal bond for a sum of Rs.16,000/- (Rupees sixteen thousand only) with one surety for the like sum to the satisfaction of the concerned Magistrate. However, this order does not preclude the authorities concerned from proceeding with the confiscation proceedings, if any.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

9.11.2016
AMD/KTL



JUSTICE RAJA ELANGO

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