

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

CRIMINAL PETITION No.12596 of 2016

ORDER:

The criminal petition is filed under Section 482 r/w.457 Cr.P.C. to direct the concerned authority to release the vehicle i.e., Motor Cab (Tata Ace Magic) bearing registration No.AP 15-TV-1202, which was seized in connection with Cr.No.392/2016 of Prohibition and Excise Station, Narsampet, Warangal District, registered for the offences punishable under Sections 7(a) r/w. Section 8(e) of A.P.Prohibition Act and under Section 34(e) of A.P.Excise Act.

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, representing the State.

The petitioner sought for return of the vehicle for interim custody through CrI.MP.No.1819/2016 in COR No.392 of 2016 of Excise P.S., Narsampet. The petition was returned by the trial Court *inter alia* on the ground that it has no jurisdiction. The appropriate authority to order release of the vehicle is the Deputy Commissioner of Excise. The petitioner claims to be owner of the offending vehicle and hence it is appropriate to return the vehicle to the petitioner for interim custody, as the non-user of the vehicle is likely to spoil the vehicle.

In that view of the matter, the petitioner is directed to file appropriate application before the appropriate authority for release of the vehicle within a period of 15 days from today and on filing such application, the concerned authority shall dispose of it on the same day, in accordance with law.

The Criminal Petition is accordingly disposed of.

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

M.S.K.JAISWAL,J

Date: 01.09.2016
Dsr