

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.356 of 2016

ORDER:

The petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the order dated 08.01.2016 passed in Cr.No.140/2015/P&E/A2, by the Deputy Commissioner of Prohibition & Excise, Karimnagar-2nd respondent.

The case in brief is that the vehicle of the petitioner i.e. Xenon Pick Up van bearing No.AP 01 Y 8441 was seized along with 3150 kgs., of black jaggery by the Prohibition & Excise Inspector, Husnabad, in COR No.1138/2014-15. The 2nd respondent passed orders, dated 09.03.2015, confiscating the vehicle. Against the said order, the petitioner filed appeal before the Commissioner of Prohibition & Excise and the said appeal was dismissed confirming order passed by the 2nd respondent. Thereafter, the petitioner approached this Court by filing WP No.38559 of 2015 and this Court through its order, dated 01.12.2015, directed the

2nd respondent to get the value of the vehicle and on deposit of such amount, to release the vehicle. Pursuant to the orders of this Court, the 2nd respondent passed the impugned order instructing the petitioner to comply with following conditions for interim release of the vehicle within two (2) weeks:

1. He shall submit F.D.R. for Rs.4,00,000/- in favour of Deputy Commissioner of Prohibition & Excise Karimnagar issued by any Nationalized bank.
2. He shall submit undertaking with (2) sureties that he shall not transfer, sale the vehicle and also he should produce the vehicle in the same condition as and when required by the department until further orders.
3. If he fails to comply the above said conditions within (2) weeks from the date of receipt of this order the vehicle will be put into auction as per rules."

Aggrieved over the condition No.1 of the above conditions, the petitioner filed the present revision.

Heard and perused the material available on record.

Considering the facts and circumstances of the case, condition No.1 in the order passed by the 2nd respondent is modified as follows:

The Deputy Commissioner of Prohibition and Excise, Karimnagar – 2nd respondent is directed to release the vehicle i.e. Xenon Pick Up Van bearing No.AP 01 Y 8441 to the interim custody of the petitioner on his executing a personal bond for a sum of Rs.2,00,000/- (Rupees two lakhs only) in favour of the 2nd respondent.

The other conditions in the order impugned shall remain unaltered.

With the above modification, the Criminal Revision Case is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

February 05, 2016.

KTL