

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

Crl.P.No.7469 of 2016

-
ORDER

-
This petition under Section 482 r/w.457 Cr.P.C. is filed by the petitioner seeking to direct the Station House Officer, Mahabubabad Town Police Station, Warangal District, to release the Hero Honda Passion Pro Motor Cycle bearing Reg. No.AP-36-AL-9312, worth Rs.30,000/- seized in Cr.No.60 of 2016 of Mahabubabad Town Police Station, Warangal District, registered for the offence under Section 34(E) of A.P.Excise Act and Sec.5 of GUR (Regulation) Act.

2. Heard learned counsel for the petitioner and learned Public Prosecutor for the State.

3. The case of the prosecution is that on 21.04.2016, while the Inspector of Police and his staff were on patrolling duty at about 8.00 PM, they found the accused on two motorcycles with three white colour bags, and on inspection, they found 20 Kgs of jaggery and 20 Kgs of alam, which is used for manufacturing illicit liquor and after enquiry, they seized the said vehicles along with the property.

4. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He further submitted that the petitioner is ready to furnish

sufficient surety and also produce the vehicle as and when required by the Court.

5. Learned Additional Public Prosecutor objects for the same since the vehicle is involved in a crime.

6. Considering these circumstances, it is directed that the vehicle i.e. Hero Honda Passion Pro Motor Cycle bearing Reg. No.AP-36-AL-9312 shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on the petitioner executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with one surety for the like sum to the satisfaction of the Judicial First Class Magistrate, Mahabubabad, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the criminal case and further the petitioner shall undertake to produce the vehicle as and when required by the Court. However, it is made clear that the present order will not stand in the way of any confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

7. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this petition, shall stand closed.

JUSTICE M.S.K.JAISWAL

6th June, 2016

sj