

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

CRIMINAL PETITION No.7600 of 2016

ORDER

The petitioner is accused and owner of the vehicle. His vehicle Hero Honda Splender Motor cycle bearing registration No.AP 22 AG 3338 is involved in the commission of the offence by transporting the ID liquor containing 5 litres in the said vehicle. The petitioner sought for return of the vehicle for interim custody in CrI.M.P.No.1166 of 2016 in PCOR No.576 of 2015-16 of Excise, Achampet. The petition was returned by the trial Court *inter alia* on the ground that the vehicle was not deposited and it involved in Excise offences under the Andhra Pradesh Excise Act. However as the petitioner claims to be owner of the offending vehicle, I deem it appropriate to return the vehicle to the petitioner for interim custody, as the non-user of the vehicle is likely to spoil the vehicle. However, the petitioner shall have the interim custody of the vehicle on certain terms and conditions.

Accordingly, this criminal petition is allowed. Interim custody of the vehicle i.e., Hero Honda Splender Motor cycle bearing registration No.AP 22 AG 3338 be granted to the petitioner/accused, subject to the condition that the petitioner proves the ownership of the said vehicle and furnishes personal security for a sum of Rs.50,000/- (Rupees fifty thousand only) together with one surety in a like sum and also on further conditions, viz.,

- (i) the petitioner shall not tamper with the vehicle in any manner and shall maintain the vehicle as it stands as on today;
- (ii) the petitioner shall produce the vehicle as and when directed by the trial Court.
- (iii) the custody is only interim custody; consequently the petitioner shall not put the vehicle to any use other than his personal use, and

(iv) the petitioner shall not sell or otherwise dispose of
or alienate the vehicle until disposal of the main case.

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

M.S.K.JAISWAL,J

Date:07.06.2016
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