

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.45406 OF 2016

DATED : 26.12.2016

Between :

Guguloth Venkanna S/o.Biksham,
Aged 45 yrs, Occu : Agriculture and Owner
Of Tractor-cum-Trailor bearing Registration
No.AP 36 TB-1345/1346,
R/o.Modugadda Thanda,
H/o.Andanalapahad Mandal,
Dornakal, Warangal District.

..
Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Home Department, Telangana Secretariat,
Saifabad, Hyderabad & others.

..
Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise.

2. The Tractor-cum-Trailor bearing Registration No.AP 36 TB-1345/1346, of the petitioner was seized on 08.07.2016, by the 3rd respondent on the allegation of transportation of 50 Kgs of Black Jaggery, 5 Kgs of Alum and 5 litres of I.D.liquor. Proceedings for confiscation was also set in motion.

3. However by order dated 03.12.2016, petitioner was granted temporary custody of the vehicle pending finalization of the confiscation proceedings. The Deputy Commissioner, Prohibition and Excise, Warangal Division-2nd respondent, directed the petitioner to furnish Fixed Deposit Receipt/Bank Guarantee for Rs.1,90,000/- (Rupees One Lakh Ninety thousand only). Aggrieved by the said order, this writ petition is filed.

4. I do not see any illegality in fixing the guarantee for the purpose of granting interim custody. However, learned counsel for the petitioner pleads that petitioner has no other source of income. The Tractor and Trailor is the only source of his livelihood and that he does not have other means to provide the fixed deposit or Bank guarantee, for such a huge amount of Rs.1,90,000/-.

5. Having regard to the submissions and the facts of this case, the writ petition is disposed of, directing the petitioner to furnish fixed deposit receipt for Rs.1 Lakh (Rupees One lakh only) and immovable property as security for another Rs.1 Lakh. Subject to

furnishing the fixed deposit receipt for Rs.1 lakh and immovable property as security for another Rs.1 Lakh, the interim custody of the tractor and trailer of the petitioner, shall be given to the petitioner. Petitioner shall also file an affidavit before the 2nd respondent, that he would not alienate, change or create third party interest and that he would produce the vehicle as and when required. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

26th December, 2016
Rds

P.NAVEEN RAO,J

