

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.8243 OF 2016

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ORDER:

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This petition under Section 482 read with 457 Cr.P.C. is filed by the petitioner seeking to direct the Station House Officer, Mahabubabad Prohibition and Excise Station, Warangal District, to release the Ashok Leyland Mini Truck bearing Registration No.TS-03-KTR-0570 worth Rs.2,00,000/- seized in C.O.R.No.318 of 2016 of Mahabubabad Prohibition and Excise Station, Warangal District, registered for the offence punishable under Section 34(e) of A.P. Excise Act. 1968.

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

3. The case of the prosecution is that on 02.05.2016, while LW.1 along with LWs.2 and 3 were on patrolling duty, at about 2:00 PM near Kesamudram Village, they found the vehicle in question parked near railway station at Kesamudram and on seeing them, driver of the said vehicle left the vehicle and they found 16 boxes of black jaggery weighing about 288 Kgs. in the said vehicle and in the presence of mediators, they seized the said vehicle

along with the black jaggery.

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. Ashok Leyland Mini Truck bearing Registration No.TS-03-KTR-0570 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.2,00,000/- (Rupees two lakhs only) with one surety for the like sum to the satisfaction of the Additional Judicial Magistrate of First Class, Mahabubabad, and also on production of original R.C. book. It is further directed that the petitioner shall neither alienate nor change the physical features of the vehicle till the disposal of the criminal case and he 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.

M.S.K.JAISWAL, J

June 13, 2016
MD