

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37793 OF 2016

ORDER:

This Writ Petition under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the action of the 2nd respondent in not releasing the stock i.e. 2,000 kgs., of black jaggery seized in Crime No.86 of 2016 in spite of the petitioner's readiness to furnish the third party surety, as illegal and arbitrary and consequently, direct the 2nd respondent to release the stock of the petitioner.

Heard and perused the material available on record.

The petitioner is engaged in business of purchase and sale of black jaggery. During the course of his business he sold 2,000 kgs., of black jaggery to the retails and loaded the same in a Truck, and when the truck reached the outskirts of Tharigoppula village, the 2nd respondent intercepted the vehicle and seized the stock of the petitioner and registered a case in Crime No.86 of 2016 for the offence under Section 34(e) of the A.P.Excise Act.

Learned Counsel for the petitioner submitted that the value of the seized stock will be diminished if it is kept idle in the premises of the 2nd respondent and therefore, he requested to direct the authorities concerned to release the seized stock, and that the petitioner is ready to furnish sufficient surety.

Admittedly, black jaggery seized from the possession of the petitioner in the above referred crime, is not a prohibited article under any law and its possession is also not barred by the provisions of any Statute.

Considering these circumstances, interim custody of 2,000 kgs., of black jaggery seized in the above referred crime shall be entrusted to the interim custody of the petitioner on his execution of a personal bond for a sum of Rs.40,000/- (Rupees forty thousand only) with one surety for the like sum to the satisfaction of the judicial Magistrate of First Class, Jangaon, Warangal District.

With the above directions, the Writ Petition is disposed of. No order as to costs. The miscellaneous petitions, if any pending, shall stand closed.

November 04, 2016.
KTL

RAJA ELANGO, J



