

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5950 OF 2016

ORDER:

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This petition is filed by the petitioner/accused under Section 482 read with 451 Cr.P.C. seeking to direct the Station House Officer, Nuzvid Prohibition and Excise Station, Krishna District to forthwith release the stock i.e., 3190 kgs. of white jaggery worth Rs.25,520/- seized in Cr.No.1261/2015-16 by permitting the petitioner to furnish third party surety before the Judicial First Class Magistrate, Nuzvid.

2. Heard and perused the material available on record.
3. The offences alleged against the petitioner are punishable under Section 34(e) read with 34(ii), 13(1)(f), 42(c) and 50 of the A.P. Excise Act, 1968 and Clause (4) of the GUR (Jaggery) Regulation of use order, 1968.
4. The learned counsel for the petitioner submitted that white jaggery is not a prohibited item and that the petitioner is purchasing the same under valid bills and he is doing business under valid licence.
5. The grounds raised by the petitioner are the questions to be decided by the trial Court after full fledged trial. Therefore, this Court is not inclined to interfere with the proceedings in the above crime.
6. At this stage, the learned counsel for the petitioner prayed for release of the stock seized in the above crime.
7. Considering the facts and circumstances of the case, the Station House Officer concerned is directed to release the stock i.e., 3190 kgs. of white jaggery seized in the above crime to the petitioner on condition of his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with one surety for the like sum to

the satisfaction of the Judicial First Class Magistrate, Nuzvid, Krishna District. However, this order does not preclude the authorities concerned from proceeding with the confiscation proceedings, if any.

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

JUSTICE RAJA ELANGO

22.4.2016

AMD

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