

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.31293 of 2016

ORDER:

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

2. The vehicle motor car bearing Regn. No.AP 16 CU 0100 belonging to the petitioner was seized by the respondents on the ground that the driver of the vehicle was found to be in possession of non-duty paid liquor of 750ml in three bottles and a Crime No.144/2016-17 was registered under Section 34 (a) of the AP Excise Act, 1968.

3. Learned counsel for the petitioner contends that the seizure is illegal because the State had issued G.O.Ms.No.268 dt.01-04-1997 stating that the person can be in possession of six 750ml bottles of foreign or Indian liquor without licence.

4. I am not inclined to go into the said issue since it is stated by the learned Government Pleader for Excise that proceedings for confiscation have been already initiated by 2nd respondent. He further stated that the vehicle in question is in the custody of 2nd respondent.

5. Therefore, pending such proceedings, the petitioner is directed to produce identity proof and copy of Registration Certificate along with FDR for a sum of Rs.50,000/- payable to the order of the Deputy Commissioner of Prohibition and Excise, Kakinada, East

Godavari District on any Nationalized Banks and submit the same to 2nd respondent. On receipt of the same, 2nd respondent is directed to provide interim custody of the said vehicle to the petitioner. This would be subject to final orders which may be passed by 2nd respondent in the proceedings initiated by him.

6. Accordingly, the Writ Petition disposed of. No costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23-09-2016

Note:-

Issue C.C. by 26-09-2016

B/o.

kvr

