

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.32520 of 2016

ORDER :

Heard the counsel for petitioner, and the learned Government Pleader for Excise (Andhra Pradesh) for respondents.

2. Questioning the seizure of Swaraj Mazda Mini Van bearing Registration No.AP-04-X-5990 in connection with Crime No.100 of 2016-17 by the Station House Officer, Paderu Prohibition and Excise Station, Visakhapatnam District, the present Writ Petition is filed.

3. As per Sections 12 and 13 of the Andhra Pradesh Prohibition Act read with Sections 46 and 45 of the Andhra Pradesh Excise Act, the Deputy Commissioner of Prohibition and Excise concerned has the competence to deal with any such motor vehicle and initiate proceedings for its confiscation. If a motor vehicle is kept idle and not used for long, it is more likely that it will get rusted because of gathering of fine particles of dust and other material, and hence it would be more appropriate to entrust the interim custody to an appropriate person.

4. If the petitioner approaches the 2nd respondent Deputy Commissioner of Prohibition and Excise, Visakhapatnam, Visakhapatnam District, with an application, enclosing thereto a Fixed Deposit Receipt (FDR) drawn in favour of the Deputy Commissioner

on any nationalized Bank payable at Visakhapatnam, for a sum of Rs.25,000/- [Rupees Twenty Five Thousand only], the motor vehicle bearing Registration No.AP-04-X-5990, which is a Swaraj Mazda Mini Van, may be entrusted for interim custody to petitioner, provided he produces necessary material in the form of the Registration Certificate (R.C.) of the vehicle, and also his identity proof and furnishing an undertaking that he will keep the vehicle insured at all times and that he will keep it in good running condition by maintaining it regularly, and that she will not create any 3rd party interests or charge thereon and that he will not alienate the same.

5. So far as the contraband is concerned, the same can be examined for entrustment or otherwise only upon finalization of the confiscation proceedings. It shall also be open to the Deputy Commissioner of Prohibition and Excise to secure valuation of the motor vehicle by referring it to the Motor Vehicle Inspector.

6. Accordingly, the Writ Petition is disposed of with the above directions. No order as to costs.

7. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 28-09-2016

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