

**THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

**CRIMINAL PETITION No.9910 of 2016**

**ORDER**

This Criminal Petition is filed under Section 482 Cr.P.C. to direct the Station House Officer, Prohibition & Excise Station, Kalwakurthy, to forthwith release the vehicle i.e., WINGER2800-WB-NA-(12+D) BS-II bearing No.AP 28Y 5392 seized in PCOR No.18 of 2016.

Heard both sides and perused the record.

The petitioner is accused and owner of the above said vehicle and allegedly committed the offence under section 34(e) of the A.P.Prohibition and Excise Act for transporting 600 Kgs. of black jaggery, illegally. He filed a petition in CrI.M.P.No. of 2016 on the file of Additional Judicial Magistrate of First Class, Kalwakurthy for interim custody of the vehicle and the same was returned by the trial Court on the ground that it has no jurisdiction to entertain the petition. However, as the petitioner claims to be owner of the offending vehicle, I deem it appropriate to return the vehicle to the petitioner for interim custody, as the non-use of the vehicle is likely to spoil the same.

In that view of the matter, the petitioner/accused is granted interim custody of the seized vehicle i.e., WINGER2800-WB-NA-(12+D) BS-II bearing No.AP 28Y 5392, subject to the condition that the petitioner proves the ownership of the said vehicle and furnishes personal bond and bank guarantee for a sum of Rs.15,000/- (Rupees Fifteen thousand only) and also on further conditions, viz.,

- (i) the petitioner shall not tamper with the vehicle in any manner and shall maintain the vehicle as it

stands as on today;

- (ii) the petitioner shall deposit the title documents, and produce the vehicle as and when directed by the trial Court without affecting the right of forfeiture available to the Department.
- (iii) the custody is only interim custody; consequently the petitioner shall not put the vehicle to any use other than his personal use, and
- (iv) the petitioner shall not sell or otherwise dispose of or alienate the vehicle until disposal of the main case.

Accordingly, this Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed in consequence.

---

**M.S.K.JAISWAL,J**

Date:12.07.2016

pab