

**THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL**

**CrI.P.No.8245 of 2016**

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**ORDER**

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This petition under Section 482 r/w.457 Cr.P.C. is filed by the petitioner seeking to direct the Station House Officer, Mahabubabad Prohibition and Excise Station, Warangal District, to forthwith release the DCM Van bearing Reg.No.AP-24-TB-4696 worth Rs.1,00,000/- seized in COR No.362 of 2016, registered for the offences punishable under Section 34(e) of A.P.Excise Act, 1968, Section 7(A) r/w 8(e) of A.P.Prohibition Act, 1995.

2. Heard learned counsel for the petitioner and learned Public Prosecutor for the State.

3. The case of the prosecution is that on the night of 15.05.2016, on reliable information, the excise police rushed to the outskirts of Chilkode Village and apprehended A1 to A3 along with DCM Van and found illegal transportation of black jaggery, alum and ID liquor in the said van and after enquiry, they seized the said vehicle along with the property.

4. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He further submitted that the petitioner is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court.

5. Learned Additional Public Prosecutor objects for the same since the vehicle is involved in a crime.

6. Considering these circumstances, it is directed that the vehicle i.e. DCM Van bearing Reg.No.AP-24-TB-4696 shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on the petitioner executing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum to the satisfaction of the Additional Judicial First Class Magistrate, Mahabubabad, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the criminal case and further the petitioner shall undertake to produce the vehicle as and when required by the Court. However, it is made clear that the present order will not stand in the way of any confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

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

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**JUSTICE M.S.K.JAISWAL**

14<sup>th</sup> June, 2016

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