

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.28447 of 2016

ORDER:

Questioning the seizure of TATA ACE Auto bearing Registration No.AP 20 TB 0407 in connection with Cr.No.99 of 2016 by the Station House Officer, Ashwapuram Police Station, Kahmmam District, the present writ petition is filed.

2. 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 & Excise concerned has the competence to deal with any such motor vehicle and initiate proceedings for its confirmation.

3. If the petitioner approaches the second respondent Deputy Commissioner of Prohibition & Excise, Khammam, with an application, enclosing thereto a Fixed Deposit Receipt (FDR) drawn in favour of the Deputy Commissioner on any nationalized bank payable at Khammam, in a sum of Rs.20,000/- (Rupees Twenty Thousand only), the motor vehicle bearing Registration No.AP 20 TB 0407 may be entrusted for interim custody to the petitioner, provided he produces necessary material in the form of the Registration Certificate (RC) 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 he will not create any third party interests or charge thereon and that he will not alienate the same. 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 & Excise to secure valuation of the motor vehicle by referring it to the Motor Vehicle Inspector.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

August 24, 2016
DSK