

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

Crl.P.No.8256 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, Wardhannapet Prohibition and Excise Station, Warangal District to forthwith release the Tata Vista Vehicle bearing Reg.No.AP-27-AR-9522, worth Rs.1,00,000/- seized in C.O.R.No.202 of 2016, registered for the offence under Sections 34(e) of A. P. Excise Act, 1968 and 7(a) read with 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 petitioner is that he is the registered owner of Tata Indica Vista bearing Reg. No. AP-27-AR-9522 and on 29.5.2016 when the said vehicle, is proceedings towards Nallabelli and on the way at the outskirts of Thotla Tanda, H/o Nallabelli, Sangam Mandal, the Wardannapet Prohibition official intercepted the vehicle along with other vehicles transporting the black jaggery and though noting was found or seized from the vehicle of the petitioner, the excise officials seized the vehicle and registered the case in COR.No.202 of 2016 dated 29.5.2016 under Section 34 (e) of A.P. Excise Act, 1968 and 7(a) r/w 8 (e) of A.P. Prohibition Act, 1995.

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 Tata Vista Vehicle bearing Reg.No.AP-27-AR-9522 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 learned Special Judicial First Class Magistrate for Prohibition and Excise Cases at Warangal and also on production of original R.C. book. It is further directed that the petitioner shall not alienate or 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, this 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.

JUSTICE M.S.K.JAISWAL

14—06—2016

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