

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3552 OF 2016

ORDER:

The petitioner filed the present Criminal Petition by invoking the provisions under Section 482 of the Code of Criminal Procedure being aggrieved over the order dated 25.02.2016 passed in Crl.MP (SR) No.625 of 2016 by the Judicial First Class Magistrate, Thorrur, in COR No.14 of 2016 of the Prohibition and Excise Police Station, Thorrur.

Heard and perused the material available on record.

When petitioner approached the Court below with impugned application under Section 457 Cr.P.C. seeking release of seized property in the above crime i.e., 1200 kgs., of black jaggery and 100 kgs., of alum, the learned Magistrate vide impugned order returned the same.

Learned Counsel for the petitioner submitted that the Court below has jurisdiction to entertain the above Crl.M.P. and direct the authorities concerned to release the stocks and that the value of the seized stocks will be diminished if they are kept idle in the premises of Prohibition & Excise station.

Admittedly, black jaggery and alum seized from the possession of the petitioner in the above referred crime are not prohibited articles under any law and their possession is also not barred by the provisions of any Statute.

Considering these circumstances, interim custody of 1200 kgs., of black jaggery and also 100 kgs., of alum, seized in the above referred crime shall be entrusted to the interim custody of the petitioner on his execution of a personal bond for a sum of Rs.30,000/- (Rupees thirty thousand only) to the satisfaction of the Judicial Magistrate of

First Class at Thorrur.

Accordingly, the Criminal Petition is allowed. Consequently, miscellaneous petitions pending if any, shall stand closed.

RAJA ELANGO, J

March 15, 2016
KTL