

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

Criminal Petition No.10736 of 2016

ORDER:

The petitioner filed this Criminal Petition under Section 482 read with Section 457 Cr.P.C. praying to direct the 2nd Respondent herein i.e., Deputy Commissioner of Prohibition and Excise, Mahabubnagar District to forthwith issue orders to the S.H.O., Prohibition and Excise Station, Kalwakurthy, to release the vehicle i.e., Ape Auto bearing Reg.No.AP 22 Y 4092 worth of Rs.40,000/- seized in P.C.O.R.No.85 of 2016 by permitting the petitioner to furnish third party surety before the Court of Additional Judicial Magistrate of First Class at Kalwakurthy.

Heard and perused the records.

Learned counsel for the petitioner submitted that if the vehicle is kept idle for a long period, there is every possibility of getting it damaged and that the petitioner is ready to produce the vehicle as and when required by the Court below.

Learned Additional Public Prosecutor also submitted that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, it is directed that vehicle i.e., Ape Auto bearing Reg.No.AP 22 Y 4092 shall be released for interim custody of the petitioner, subject to final orders to be passed in the criminal case in connection with the above crime, on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety for the like sum to the satisfaction of the trial court 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 he shall undertake to produce the vehicle as and when required by the Court below. However, it is made clear that the present order will not stand in the way of confiscation proceedings, if any, already passed. Further, this order does not preclude the authorities from passing any confiscation proceedings.

Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions filed, if any, shall stand closed.

JUSTICE M.S.K.JAISWAL

Date : 25.07.2016

skmr