

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

**CRIMINAL PETITION No.11333 of 2016**

**ORDER:**

The petitioner assails the action of the Station House Officer, Narsampet Proh. & Excise Station, Warangal District in not releasing the seized property i.e., 70 bags of black jaggery each bag containing 50 kgs seized in C.O.R.No.343 of 2016 for interim custody. The petitioner/A2 and 2 others are allegedly committed the offences punishable under section 34 (e) of A.P.Excise Act, 1968 and under Section 20(1) of NDPS Act, 1985.

Heard both sides and perused the record.

The petitioner/A2 is a businessman. He proposes to sell the jaggery. It is not the case of the prosecution that the jaggery is adulterated jaggery. I, therefore, deem it appropriate to order the interim custody of seized jaggery, which is perishable in nature.

Accordingly, this Criminal petition is disposed of. Subject to the final orders being passed in the main case, without effecting the right of forfeiture available to the Department, the petitioner/A2 is granted interim custody of the seized jaggery by the concerned officials on his furnishing Bank Guarantee for a sum of Rs.10,000/- (Rupees ten thousand only) and on furnishing proof of ownership of the seized property.

Pending miscellaneous applications, if any, shall stand closed in consequence.

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**M.S.K.JAISWAL,J**

Date: 02.08.2016

Dsr