

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5969 OF 2016

ORDER:

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This petition is filed by the petitioner/accused under Section 482 Cr.P.C. seeking to quash the docket order, dated 15.3.2016, in CrI.M.P.No.874 of 2016 in P.C.O.R.No.673 of 2015-16 on the file of the Judicial First Class Magistrate, Jadcherla, Mahabubnagar District and order for release of 2800 kgs of jaggery in 280 moulds each weighing 10 kgs seized under PCOR No.673 of 2015-16 in favour of the petitioner.

2. Heard and perused the material available on record.
3. The petitioner was found selling black jaggery illegally and without any valid licence. The Prohibition and Excise Police, Jadcherla seized the aforementioned stock and the Excise police, on the basis of seizure panchanama, registered the aforementioned crime under Section 34(e) of the A.P. Excise Act, 1968 read with 3(b) & 4(1) (iii) of the GUR (Regulation of use) Rules, 1968 and Section 7(A) read with 8(e) of the A.P. Prohibition Act, 1995. The petitioner filed CrI.M.P.No.874 of 2016 before the Court below for interim custody of the stock in question and the same was returned by the learned Magistrate on the ground that the property was not deposited before that Court. Hence, he filed the present petition.
4. The learned counsel for the petitioner submitted that black jaggery is not a prohibited item and that the petitioner is purchasing the same under valid bills and he is doing business under valid licence.
5. The grounds raised by the petitioner are the questions to be decided by the trial Court after full fledged trial. Therefore, this Court is not inclined to interfere with the proceedings in the above crime.

6. At this stage, the learned counsel for the petitioner prayed for release of the stock seized in the above crime.

7. Considering the facts and circumstances of the case, the Station House Officer concerned is directed to release the stock i.e., 2800 kgs of black jaggery in 280 moulds each weighing 10 kgs seized in the above crime to the petitioner on condition of his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety for the like sum to the satisfaction of the Judicial First Class Magistrate, Jadcherla, Mahabubnagar District. However, this order does not preclude the authorities concerned from proceeding with the confiscation proceedings, if any.

8. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

22.4.2016

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Date: 22.4.2016

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