

HONOURABLE SRI JUSTICE M.S.K.JAISWAL

CRL.P.No.7039 of 2016

ORDER:

The petitioner seeks to set aside the order of the learned Judicial Magistrate of First Class, Tiruvur, in Crl.M.P.No.2637 of 2016 in Crime No.1185 of 2015-16 of Prohibition and Excise Station, Tiruvuru, Krishna District.

The vehicle of the petitioner i.e., Honda Shine bearing No.AP.16 CA 5273 was seized by the Excise Police while transporting illicit liquor and a case in Crime No.1185 of 2015-16 was registered. The petitioner sought for interim custody of the vehicle by filing Crl.M.P.No.2637 of 2016 and the learned Magistrate by order dated 20.04.2016 dismissed the said petition holding that he has no power to pass order regarding interim custody of the vehicle.

The petitioner claimed that he is the owner of the aforesaid vehicle and seeks for interim custody of the vehicle. Detention of the vehicle with the police certainly would cause damage to the vehicle if it is not put to use. I, therefore, consider it appropriate to grant interim custody of the vehicle in favour of the petitioner.

Accordingly, this Criminal Petition is allowed. The order of the trial Court in Crl.M.P.No.2637 of 2016 is set aside. The vehicle in question shall be handed over to the interim custody of the petitioner during the pendency of the case before the trial court on condition of the petitioner producing proof of ownership of the vehicle and executing a personal bond of Rs.50,000/- (Rupees Fifty thousand only) with one surety in a like sum to the satisfaction of the Judicial Magistrate of First Class, Tiruvur, Krishna District and on further conditions as follows:

(1) that the petitioner shall produce the vehicle before the trial Court as and when directed by the trial Court,

(2) the petitioner shall not alienate or dispose of the vehicle without prior permission of the Court and

(3) the petitioner shall not alter the shape or condition of the vehicle without prior permission of the Court.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

01-06-2016

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