

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1555 OF 2016

ORDER:

This Criminal Revision Case is preferred by the petitioner/ A-1 challenging the docket order, dated 28.4.2016, in Crl.M.P.No.766 of 2016 in Crime No.256 of 2016 on the file of the Additional Judicial Magistrate of First Class at Mahabubabad.

2. Heard and perused the material available on record.
3. The petitioner along with A-2 was found storing and selling black jaggery illegally and without any valid licence. The Prohibition and Excise Police, Mahabubabad seized 550 kgs. of black jaggery and on the basis of the seizure panchanama, the aforementioned crime was registered for the offence punishable under Section 34(e) of the A.P. Excise Act, 1968. The petitioner filed Crl.M.P.No.766 of 2016 before the trial Court for interim custody of the stock in question and the same was returned by the learned Magistrate on the ground of jurisdiction. Hence, the petitioner filed the present revision case.
4. 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 black jaggery 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., 550 kgs.,

of black jaggery seized in the above crime to the petitioner on condition of 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 Additional Judicial Magistrate of First Class at Mahabubabad. However, this order does not preclude the authorities concerned from proceeding with the confiscation proceedings, if any.

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

JUSTICE RAJA ELANGO

20.6.2016

AMD

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Date: 20.6.2016

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