

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36018 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action of respondent No.2 in not releasing the stock i.e., 40 bags of black jaggery each containing 50 kgs. belonging to the petitioner seized in Crime No.139 of 2016 in spite of his readiness to furnish the third party surety as being illegal and arbitrary and consequently, to direct respondent No.2 to release the said stock.

2. Heard and perused the material available on record.
3. The petitioner was found transporting black jaggery illegally and without any valid licence. The Mothey Police seized the aforementioned stock and on the basis of seizure panchanama, registered the aforementioned crime for the offence under Section 34(e) of the A.P. Excise Act, 1968.
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 and hence, prayed for release of the stock seized in the above crime.
5. Considering the facts and circumstances of the case, the Station House Officer concerned is directed to release the stock i.e., 40 bags of black jaggery each containing 50 kgs. seized in the above crime to the petitioner on condition of his executing a personal bond for a sum of Rs.24,000/- (Rupees Twenty four

thousand only) with one surety for the like sum to the satisfaction of the concerned Magistrate. However, this order does not preclude the authorities concerned from proceeding with the confiscation proceedings, if any.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

25.10.2016
AMD

JUSTICE RAJA ELANGO



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Date: 25.10.2016

AMD