

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41599 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the fourth respondent in seizing the stock of 380 bags of rice belonging to first petitioner and lorry bearing No.KA 06 C 7639 belonging to the second petitioner under the cover of Panchanama, dated 16.10.2016, as illegal and arbitrary, and consequently to direct the respondents to release the seized stock of rice and lorry in faovur of the petitioners.

Heard and perused the material.

Learned counsel for the petitioner submits that there is no provision in the Excise Act for return of the property, once seized in the crime, either by the trial Court or by the fourth respondent and as such, he approaches this Court under Article 226 of the Constitution of India.

Considering the facts and circumstances, it is directed that the vehicle i.e., Lorry bearing Registration No.KA 06 C 7639 shall be released to the second petitioner for interim custody, subject to final orders to be passed in the main case, on his executing a personal bond for a sum of Rs.25,00,000/- (Rupees twenty five lakhs only) with one surety for a like sum to the satisfaction of the learned Magistrate concerned, and subject to production of all the documents relating to the vehicle in question. The petitioner shall also give an undertaking not to sell, alter or alienate the said vehicle and produce the same as and when directed by the trial Court. However, this Order does not preclude the authorities concerned from proceeding with the confiscation proceedings.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

30.11.2016
pln