

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.20287 of 2017

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ, order, more particularly one in the nature of writ of *mandamus* declaring the action of the 2nd Respondent in not releasing the Tata Indica Car bearing Reg.No.AP 10 BA 6255 seized in Cr.No.112 of 2017 in spite of petitioner's readiness to furnish the third party surety as illegal and arbitrary and consequently direct the respondent No.2 to release the vehicle.

2. Heard and perused the material available on record.
3. Learned counsel for the petitioner submitted that if the vehicle is kept idle for a long period, there is every possibility of getting it damaged and that the petitioner is ready to produce the vehicle as and when required by the Court below.
4. Learned Government Pleader for Prohibition & Excise also submitted that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.
5. Considering these circumstances, it is directed that vehicle i.e. Tata Indica Car bearing Reg.No.AP 10 BA 6255 shall be released for interim custody of the petitioner, subject to final orders to be passed in the criminal case in connection with the above crime, on his furnishing bank guarantee

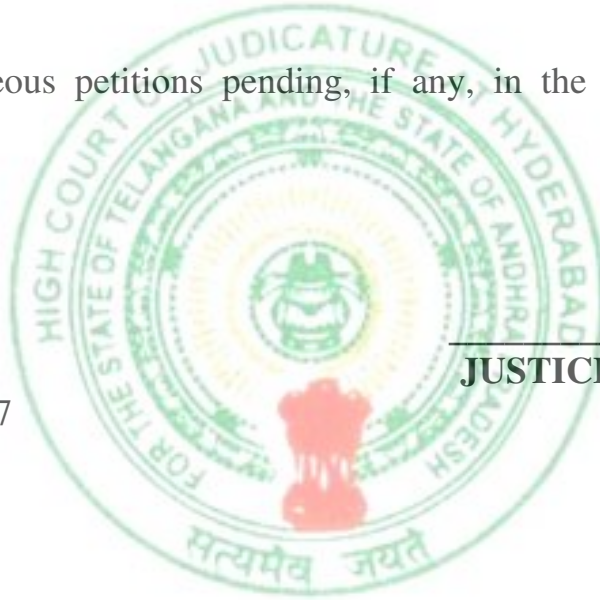
for a sum of Rs.50,000/- (Rupees Fifty thousand only) to the satisfaction of the trial court and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the criminal case and further he shall undertake to produce the vehicle as and when required by the Court below. However, it is made clear that the present order will not stand in the way of confiscation proceedings, if any, already passed. Further, this order does not preclude the authorities from passing any confiscation proceedings.

6. Accordingly, the Writ Petition is disposed of. No order as to costs.

7. Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed.

Date : 22.06.2017

skmr



JUSTICE RAJA ELANGO