

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20694 OF 2017

ORDER:

The petitioner filed the present Writ Petition seeking to declare the action of the 2nd respondent in not passing orders for release of the stock i.e. 50 bags of black jaggery, each containing 50 kgs., seized in Cr.No.49/ 2017 inspite of readiness of the petitioner to furnish third party surety, as arbitrary and illegal.

Heard and perused the material available on record.

The case of the petitioner is that he is doing business in purchase and sale of the black jaggery and other kirana items in the name and style of M/s.Mahalakshmi Jaggery and General Stores, under valid certificate of registration. The 3rd respondent surprised the shop of the petitioner in routine and mechanical manner and seized the above said stock and registered case in Cr. No.49 of 2017 for the offence under Section 7 (A) r/w.8 (e) of A.P. Prohibition Act and 34(e) of the A.P. excise Act.

Learned Counsel for the petitioner submitted that the petitioner approached the 2nd respondent – Deputy Commissioner Prohibition and Excise, Vijayawada, for release of the said stock, but the 2nd respondent refused to release the same. Hence, this writ petition.

Admittedly, the jaggery seized from the possession of the petitioner in the above referred crime is not a prohibited article under any law and its possession is also not barred by the provisions of any Statute.

Considering these circumstances, interim custody of the stock i.e. 50 bags of black jaggery each containing 50 kgs., seized in Cr.No.49/2017 on the file of Prohibition & Excise Station, Krishna District, shall be entrusted to the petitioner on petitioner submitting a Fixed Deposit Receipt for a sum of Rs.30,000/- (Rupees Thirty thousand only) to the satisfaction of the 2nd respondent – Deputy Commissioner, Prohibition & Excise, Vijayawada, Krishna District.

Accordingly, the Writ Petition is disposed. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

June 27, 2017

KTL

RAJA ELANGO, J



