

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5822 OF 2017

ORDER :

This Writ Petition is filed questioning the order dated 31.01.2017 passed by the Deputy Commissioner of Prohibition and Excise, Adilabad Division imposing the condition of furnishing a Fixed Deposit Receipt for a sum of Rs.2,04,500/- from any Nationalized Bank for the release of the seized vehicle bearing No. TS 01 UB 3345, pending enquiry and disposal of the case registered against the petitioner under Section 34 of the A.P Excise Act, 1968.

It is the case of the petitioner that he is only a transporter and he has not participated in the commission of the offence and hence, he seeks indulgence of this Court.

Heard learned Government Pleader for Prohibition & Excise.

Having considered the submissions made on either side and having perused the relevant provisions, it may be noted that the jaggery is one of the items, which are notified under the Essential Commodities Act, 1955. In the present case, it is the case of the respondents that about 2280 kgs. of jaggery and 50 kgs. of alum were found transported by the petitioner, hence, a case was registered with the II Additional Judicial Magistrate of First Class. In other words, the petitioner is being prosecuted for an excise offence.

Therefore, subject to the final outcome of the case and considering the fact that the petitioner had purchased the vehicle in question under a hire purchase agreement, for which he is required to pay monthly installments, the Writ Petition is disposed of directing the respondents to release the seized vehicle bearing

No. TS 01 UB 3345 forthwith on his furnishing 50% of the value assessed of the vehicle by the Motor Vehicle Inspector in favour of the Deputy Commissioner, Prohibition and Excise, Adilabad Division, pending finalization of the excise case. The petitioner shall also furnish an undertaking that he will not alienate the vehicle or create any third party interest over it and will not alter its nature, pending disposal of the proceedings before the competent authority. No costs.

Consequently, the miscellaneous Applications, if any shall also disposed of.

20th February 2017

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CHALLA KODANDA RAM, J

