

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.21568 of 2017

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare seizing the petitioner's vehicle TATA ACE Goods Carrier Regn.No.AP-37-TD-3699, by the 2nd respondent, in Crime No.49 of 2017, before the 3rd respondent, without following the due process of law as illegal, arbitrary, unlawful against to the Principles of Natural Justice and by consequently directing respondents 2 and 3 to release the Vehicle TATA ACE Goods carrier Regn.No.AP-37-TD-3699, to the petitioner.

2. Heard both sides and perused the material available on record.

3. The case of the petitioner is that the petitioner is the registered owner of TATA ACE Goods Carrier Regn.No.AP-37-TD-3699. The vehicle when hired by one Y. Rama Krishna, the 2nd respondent seized the vehicle on 23.02.2017 on the allegation that the said person along with others are carrying black jaggery in the said vehicle and registered a case in Crime No.49 of 2017 and that the vehicle is in the custody of the 3rd respondent.

4. Learned counsel for the petitioner submits that if the vehicle is exposed to sun and rain and is kept idle, it would be damaged. He further submits that the petitioner is ready and willing to furnish security for release of the vehicle and also produce the vehicle as and when required by the concerned Magistrate.

5. Learned Government Pleader also submitted that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

6. Considering these circumstances, the petitioner is directed to make an application before the concerned Deputy Commissioner of Prohibition and Excise and on such application being made, the vehicle i.e., TATA ACE Goods Carrier bearing Registration No.AP-37-TD-3699 shall be released for interim custody of the petitioner, subject to final orders to be passed in the criminal case, on his executing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum 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 concerned Magistrate. However, it is made clear that the present order will not stand in the way of any confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

7. Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 3rd July, 2017

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