

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2931 OF 2017

ORDER:

The writ petition is filed questioning the order dated 19.01.2017, passed by the Deputy Commissioner, Prohibition and Excise, Warangal, imposing a condition to deposit an amount of Rs.1,71,045/- for release of the stock of 9,774 kgs of white Jaggery, seized under C.O.R.No.523 of 2016.

It is the case of the petitioner that he has purchased the stocks from various farmers and the same is selling to the customers through his driver one Mr. Syed Gouse and lead his life with business and eking out his livelihood from out of the income derived from the said business and having license from the Commercial Department. It is stated that during the course of the business, when the petitioner carrying the said jaggery in a vehicle, the 3rd respondent intercepted the vehicle and seized the stock by registering a case in C.O.R.No.523 of 2016 for the offence under Section 34(e) of the A.P. Excise Act, 1968 and imposed a condition to deposit a sum of Rs.1,71,045/- for release of the sized stock. The condition imposed by the respondents is onerous for release of the seized stock and thus he seeks indulgence of this Court.

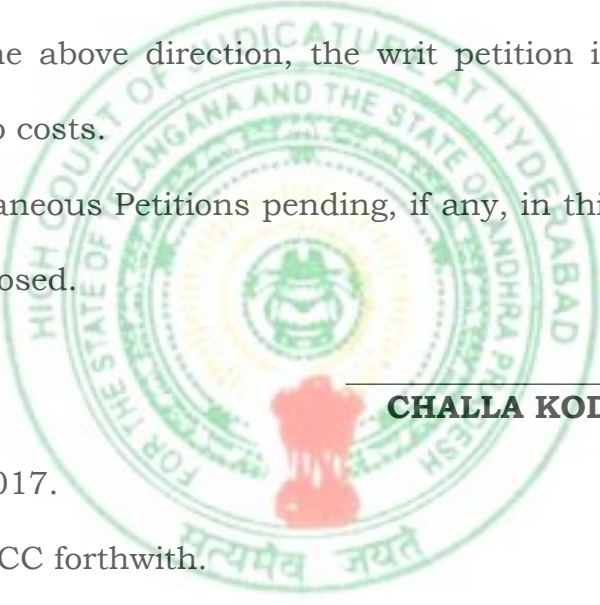
Having considered the submission made by the learned counsel for the petitioner and the learned Government Pleader and on perusal of the relevant provisions, it may be noted that the jaggery is one of the items which is notified under the Essential Commodities Act, 1955. In the present case, it is the case of the respondents that about 9,774 kgs of white jaggery is being

transported by the petitioner and was intercepted and a case was registered in C.O.R.No.523 of 2016. In other words, the petitioner is being prosecuted for an excise offence.

Subject to the final outcome of the case and considering the fact that the petitioner has been doing his business by selling the white jaggery to his customers for eking out his livelihood, the writ petition is being disposed of directing the respondents to release the seized stock forthwith on petitioner depositing 50% of the condition imposed by the respondents, pending finalisation of the Excise Case.

With the above direction, the writ petition is disposed of. No order as to costs.

Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.



CHALLA KODANDA RAM,J

Date:30.01.2017.

Note:

Dispatch the CC forthwith.

B/o.

Gk

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Date:30.01.2017

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