

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17964 OF 2017

ORDER:

The writ petition is filed under Article 226 of the Constitution of India to declare the action of the respondents in seizing the stocks of 39,300 Kgs., of Black Jaggery and 100 Kgs., of Alum, respectively, from the Petitioner's godown M/s. Jeevan Trading Company situated at Pedda Amberpet village, Hayathnagar. Mandal, Ranga Reddy District, under cover of Panchanama in C.O.R. No.160/2017 dated 2-5-2017 on the premise the said jaggery and alum is useful for preparation of I.D. Liquor, as illegal and arbitrary, and consequently, direct the respondents to release the seized stocks of 39,300 Kgs of Black Jaggery and 100 Kgs., of Alum respectively, seized from the Petitioner's godown.

The petitioner is carrying on business in purchase and sale of jaggery both retail and wholesale in the states of Telangana and Andhra Pradesh in the name and style of M/s.Jeevan Trading Company. On 02.05.2017 the 5th respondent, along with his staff, conducted raid at Hasianaik Thanda and found 15 ltrs., of ID liquor and 600 ltrs., of FJ wash from the possession of A1, and after panchanama, registered case in COR No.160 of 2017 under Sections 7 (A) r/w.8 (e) of A.P. Prohibition Act and 34(e) of the A.P. Excise Act & (4) of GUR (Regulation of Use) Order, 1968, and arrested A1. A1 confessed that she used to purchase black jaggery from the petitioner and on the confession of A1, the 5th respondent visited the godown of the petitioner and seized the above stock from the godown. Hence, this writ petition.

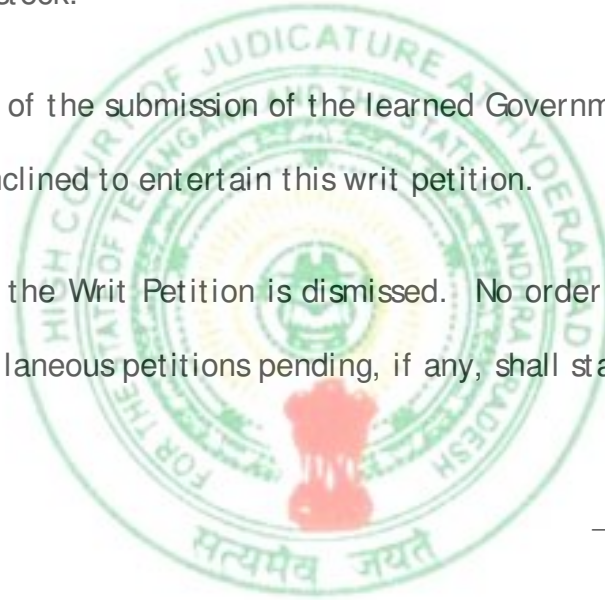
Heard and perused the material available on record.

Learned Counsel for the petitioner submitted that the petitioner is doing business under valid licence by purchasing jaggery under valid bills, and that 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.

Learned Government Pleader for Prohibition & Excise submitted that admittedly case is registered against the petitioner and others for the above offences and that since the case is pending before the Court concerned, the petitioner can approach the Court concerned for release of the seized stock.

In view of the submission of the learned Government Pleader, this Court is not inclined to entertain this writ petition.

Hence, the Writ Petition is dismissed. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand dismissed.



RAJA ELANGO, J

July 17, 2017
KTL