

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7212 OF 2017

ORDER:

Heard learned counsel for the petitioner and also the learned public prosecutor representing the respondents and perused the grounds urged in the petition seeking release of the seized Jaggery belongs to the petitioner, a licensed trader.

2. The contention of the petitioner is that he purchased the Jaggery and possession of it for consumption other than to prepare illicit liquor and there is nothing to say that the Jaggery is for illicit liquor, however, so far as the property return concerned, neither the learned Magistrate nor this Court got jurisdiction but for to approach the officials of Prohibition and Excise Department as laid down by the Hon'ble Apex Court in ***Narendar Vs. State (NCT of Delhi)***¹.

3. Hence, petitioner is at liberty to approach the Deputy Commissioner of Excise, within one week from the date of receipt of the order, for the said official shall hear and dispose of the petition on own merits within four weeks from the date of receipt of the order. Further remedies of the petitioner are left open.

4. Accordingly and with the above direction, this criminal petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

DR.B.SIVA SANKARA RAO, J

22.08.2017
SS

¹ 2014 (1) ALD CrI.513