

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.22681 of 2017**

**ORDER:**

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the 3<sup>rd</sup> respondent in not disposing petitioner's Appeal Petition, dated 23.06.2017, in File C.O.R.No.87 of 2017 for release of entire seized Jaggery quantity 6000 Kgs., (300 Cartoons each containing about 20 Kgs) in favour of the petitioner, as illegal, arbitrary and in violation of Principles of Natural Justice.

2. Heard and perused the material available on record.

3. The case of the petitioner is that the petitioner is engaged in the business of selling dry fruits and kirana in the Jagityal Town for last so many years under a valid license. On 13.06.2017, the 4<sup>th</sup> respondent along with staff inspected the shop of the petitioner and seized stock of white jaggery of 6000 Kgs. (300 Cartoons each containing about 20 Kgs), which was purchased from Shree Ganesh Trading, Pune, on two different dates i.e., on 14.05.2017 and 06.06.2017, and registered a case in C.O.R.No.87 of 2017 against the petitioner.

4. The main grievance of the petitioner is that on 23.06.2017, the petitioner filed Appeal Petition before the 3<sup>rd</sup> respondent under Sections 47, 47-A of the A.P. Excise Prohibition Act, but the 3<sup>rd</sup> respondent has not disposed of the same and the same is pending.

5. Learned counsel for the petitioner submitted that the petitioner is the owner of the stock of white jaggery of 6000 Kgs.

(300 Cartoons each containing about 20 Kgs), seized in C.O.R.No.87 of 2017 and that the value of the seized property will be diminished if it is kept idle in the premises of the 4<sup>th</sup> respondent. He further submitted that the petitioner is ready to furnish sufficient surety.

6. Learned Government Pleader for Excise for respondents objected for the same.

7. Admittedly, white jaggery seized 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.

8. Considering these circumstances, the petitioner is directed to make an application before the Deputy Commissioner, Prohibition & Excise Department, Karimnagar (2<sup>nd</sup> respondent) and on such application being made, the stock of white jaggery of 6000 Kgs. (300 Cartoons each containing about 20 Kgs), seized in C.O.R.No.87 of 2017 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 a sum of Rs.50,000/- (Rupees fifty thousand only) with one surety for the like sum to the satisfaction of the 2<sup>nd</sup> respondent.

9. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

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**RAJA ELANGO, J**

Date: 11<sup>th</sup> July, 2017

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