

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.31936 OF 2017

ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed seeking to declare the action of the 2nd respondent in not releasing the Auto bearing Reg. No.AP 24 W 5725 seized in Crime No.196 of 2017 in spite of the readiness of the petitioner to furnish the third party surety, as illegal and arbitrary.

2. Heard and perused the material available on record.

3. The case of the petitioner is that the petitioner is the registered owner of Auto Vehicle bearing Reg. No.AP 24 W 5725 and is eking out his livelihood from out of the income derived from the said vehicle. During the course of his business, he engaged his vehicle for transportation of black jaggery and alum and when it reached near Mannegudem village outskirts, the 2nd respondent intercepted the vehicle and in a routine and mechanical manner, seized the vehicle and registered a case in Crime No.196 of 2017 under Section 34(e) of the A.P. Excise Act, 1968.

4. Learned counsel for the petitioner submitted 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, it is directed that vehicle i.e., Auto bearing Reg. No.AP 24 W 5725 seized in Crime No.196 of 2017 shall be released for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of main case, on his executing a Fixed Deposit Receipt for Rs.20,000/ - (Rupees Twenty Thousand only) and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle and 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. The said order will not stand in the way of the confiscation proceedings.

The writ petition is accordingly disposed of. Miscellaneous petitions, if any, shall also stand disposed of. No order as to costs.

A.V.SESHA SAI, J

SEPTEMBER 19, 2017

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Date:19.09.2017

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