

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17165 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 207 Gunny Bags of Black Jaggery each 30 Kgs total 6,210 Kgs, 20 bags of Alum each 50 Kgs total 1000 Kgs, 614 Cartons of Reddish Black Jaggery each 20 Kgs total 12280 Kgs, 750 Plastic Bags of Black Jaggery each 30 Kgs total 22,500 Kgs and 138 Gunny bags of Black Jaggery each bag 50 Kgs total 6900 Kgs respectively, on the premise of the Petitioner M/s. Jeevan Trading Company shop and godown, under cover of Panchanama in C.O.R. No. 65/ 2017 dated 21-4-2017 on the premise the said jaggery and alum is useful for preparation of I.D. Liquor as illegal, arbitrary and consequently, direct the respondents to release the seized stocks of 207 Gunny Bags of Black Jaggery each 30 Kgs total 6,210 Kgs, 20 bags of Alum each 50 Kgs total 1000 Kgs, 614 Cartons of Reddish Black Jaggery each 20 Kgs total 12280 Kgs, 750 Plastic Bags of Black Jaggery each 30 Kgs total 22,500 Kgs and 138 Gunny bags of Black Jaggery each bag 50 Kgs total 6900 Kgs respectively, on the premise of the Petitioner M/s. Jeevan Trading Company Shop and godown, seized by the 4th respondent under cover of Panchanama in C.O.R.No. 65/ 2017 dated 21-4-2017 in favour of the petitioner.

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 21.04.2017 the 4th respondent, while conducting route watch, found one Maruthi Omni Car in which the petitioner is transporting his stock, and seized the above said stock and registered case in COR No.65/ 2017 for

the offences 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. 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 petitioners 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