

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.21940 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to release the vehicle of the petitioner i.e., Maruti Omni Van bearing registration No.AP-28-W-9133, which is used as Mobile Checking (Pollution) Vehicle, seized in Crime No.79 of 2017 on the file of the Station House Officer, Malkajgiri Prohibition and Excise Station, Ranga Reddy District.

2. Heard and perused the material available on record.
3. On 04.06.2017, respondent No.2 police, on reliable information, searched the aforesaid vehicle of the petitioner and found liquor bottles of different brands and hence, seized the vehicle and registered the aforementioned case for the offence under Section 34(e) of the A.P. Excise Act, 1968.
4. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He further submitted that the petitioner is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court.
5. Learned Government Pleader for Prohibition and Excise objected for the same since the vehicle is involved in a crime.
6. Considering these circumstances, it is directed that the vehicle i.e., Maruti Omni Van bearing registration

No.AP-28-W-9133 shall be released for interim custody of the petitioner, subject to final orders to be passed in the above crime on petitioner furnishing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum to the satisfaction of the Station House Officer, Malkajgiri Prohibition and Excise Station, Ranga Reddy District, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the crime and further, the petitioner shall undertake to produce the vehicle as and when required by the Court. However, it is made clear that the present order will not stand in the way of any confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

7. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date: 10.07.2017
AMD

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