

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11458 of 2017

ORDER:

This Writ Petition is filed by the petitioner seeking Mandamus to declare the action of respondent No.2 in imposing condition on the petitioner to deposit an amount of Rs.2,50,000/- for release of the vehicle Bolero Max Truck bearing No.TS 03UB 1948 seized in COR.No.236 of 2016 of Gudur, Prohibition and Excise Station, vide order dated 17.03.2017 in Cr.No.544/2016/P&E/B4, inspite of petitioner's readiness to furnish the third party surety, as illegal and arbitrary and consequently sought a direction to the respondents to release the said vehicle by allowing the petitioner to furnish third party surety.

2. The allegation against the petitioner is that he is illegally transporting 2,350 kgs of Alam and 150 kgs of Black Jaggery and enquiry is yet to be completed. When the petitioner approached the 2nd respondent and expressed his readiness to furnish third party surety for release of the said vehicle, the 2nd respondent by the aforesaid order dated 17.03.2017 imposed a condition on the petitioner to deposit an amount of Rs.2,50,000/- for release of the vehicle. Aggrieved by the same, the present writ petition is filed.

3. Heard learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

4. Learned counsel for the petitioner submits that if the said vehicle is kept idle for a long period, there is every possibility of getting it damaged. He further submits that the petitioner is only a transporter and his involvement in the alleged offence is yet to be determined. He also submits that the petitioner is ready to furnish third party surety for release of the vehicle. He further submits that in identical circumstances, this Court is directing for release of the vehicles on condition of depositing 50% of the cost of the vehicles and, therefore, requested to pass a similar order in this case also.

5. In view of the above, subject to the final orders that would be passed in final proceedings, the writ petition is disposed of directing the 2nd respondents to release the seized vehicle Bolero Max Truck bearing No.TS 03UB 1948 for interim custody of the petitioner forthwith, on condition of the petitioner furnishing Fixed Deposit Receipt for a sum of Rs.1,25,000/- (Rupees one lakh twenty five thousand only). Petitioner shall also furnish an undertaking that he will not alienate the said vehicle or create any third party interest over it and will not alter its nature, pending disposal of the proceedings before the competent authority.

6. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE CHALLA KODANDA RAM

03.04.2017.

NOTE: Issue C.C. by 04.04.2017.
(B/O)
Msr



HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11458 of 2017



03.04.2017
Msr