

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 6374 OF 2017**

**ORDER :**

This Writ Petition is filed questioning the notice dated 10.01.2017 issued by the Deputy Commissioner of Prohibition and Excise, Warangal imposing a condition on the petitioner to deposit an amount of Rs.6,38,400/- for release of the stock seized in C.O.R. No. 279 of 2016.

The case of the petitioner is that he is engaged in the business of purchasing white jaggery from wholesalers and selling the same to retailers. It is the further case of the petitioner that he is transporting the goods in question on free of cost, on the eve of Sankranthy festival-2017, to the B.P.L families in the District of Prakasam. It is stated that during the course of the said business, when the petitioner was carrying the jaggery through a vehicle, the 3<sup>rd</sup> respondent Station House Officer, Gudur Prohibition & Excise Station, Warangal District, intercepted the same and seized the stock by registering a case in C.O.R.No. 279 of 2016 for the offence punishable under Section 34(e) of the A.P. Excise Act, 1968. For release of the said stock, the 2<sup>nd</sup> respondent imposed the condition to deposit a sum of Rs. 6,38,400/-. According to the petitioner, the said condition is onerous and hence, he seeks indulgence of this Court.

Heard learned counsel for the petitioner as well as learned Government Pleader or Prohibition & Excise.

Having considered the submissions made by the learned counsel on either side and on perusal of the relevant provisions, it may be noted that jaggery is one of the items, which is notified under the Essential Commodities Act, 1955. It is the case of the

respondents that about 15,960 kgs. of white jaggery is being transported by the petitioner, which is the subject matter of C.O.R. No. 279 of 2016. In other words, the petitioner is being prosecuted for an excise offence.

Therefore, subject to the final outcome of the case and considering the fact that the petitioner has been eaking out his livelihood by doing business in white jaggery, the Writ Petition is disposed of directing the respondents to release the seized stock forthwith on his furnishing a bank guarantee for a sum of Rs.3 lacs in favour of the 2<sup>nd</sup> respondent Deputy Commissioner, Prohibition & Excise, Warangal. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

**CHALLA KODANDA RAM, J**

23<sup>rd</sup> February 2017

ksld

