

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20705 OF 2017

ORDER:

The petitioner filed the present Writ Petition seeking to declare the action of the 2nd respondent in not passing orders for release of the stock i.e. 20 bags of black jaggery, each containing 50 kgs., seized in Cr.No.179/ 2016 inspite of readiness of the petitioner to furnish third party surety, as arbitrary and illegal.

Heard and perused the material available on record.

The case of the petitioner is that he is running a small kirana shop at Thodellagudem village, and he used to purchase the black jaggery and other kirana items from the wholesalers under valid bills. On 15.12.2016, the 3rd respondent surprised the shop of the petitioner in routine and mechanical manner and seized the above said stock and registered case in Cr. No.179 of 2016 for the offence under Section 7 (A) r/w.8 (e) of A.P. Prohibition Act and 34(e) of the A.P. excise Act.

Learned Counsel for the petitioner submitted that the petitioner approached the 2nd respondent – Deputy Commissioner Prohibition and Excise, Warangal, for release of the said stock, but the 2nd respondent refused to release the same. Hence, this writ petition.

Admittedly, the 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.

Considering these circumstances, interim custody of the stock i.e. 20 bags of black jaggery each containing 50 kgs., seized in

Cr.No.179/ 2016 on the file of Dornakal Police Station, Mahabubabad District, shall be entrusted to the petitioner on petitioner submitting a Fixed Deposit Receipt for a sum of Rs.12,000/- (Rupees Twelve thousand only) to the satisfaction of the 2nd respondent – Deputy Commissioner, Prohibition & Excise, Warangal.

Accordingly, the Writ Petition is disposed. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

June 27, 2017

KTL



