

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23127 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondent No.2 in not releasing the vehicle of the petitioner i.e., Maruthi 800 Omni Motor Car bearing registration No.AP-10-A-3544 seized in PCOR No.65 of 2017 in spite of the readiness of the petitioner to furnish third party surety as illegal and arbitrary and consequently, direct the respondent authorities to release the said vehicle.

2. Heard and perused the material available on record.

3. It is stated in the affidavit filed in support of the writ petition that the petitioner herein is the owner of the aforementioned vehicle. On 21.04.2017, when the petitioner was proceeding in the said vehicle towards his native place Kalwakurthy to see his old aged parents and when the vehicle reached near J.P. Nagar Tanda, respondent No.3 stopped and inspected the vehicle and registered the aforementioned case for the offences under Section 7(A) read with 8(e) of the A.P. Prohibition Act, 1995 and Section 34(e) of the A.P. Excise Act, 1968 read with Clauses (3) and (4) of GUR (Regulation of Use) Order, 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 Assistant Government Pleader for Prohibition and Excise objected for the same since the vehicle is involved in a crime.

6. Considering these circumstances, the petitioner is directed to make an application before the Deputy Commissioner of Prohibition and Excise, Mahaboobnagar Division, Mahaboobnagar District and on such application being made, the vehicle i.e., Maruthi 800 Omni Motor Car bearing registration No.AP-10-A-3544 shall be released for interim custody of the petitioner, subject to final orders to be passed in the criminal case, on his executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with one surety for the like sum 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 criminal case and further he shall undertake to produce the vehicle as and when required by the concerned Magistrate. 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: 13.07.2017
AMD



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