

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17582 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., Chevrolet TAVERA bearing registration No.AP-15-W 4567 seized in C.O.R.No.96 of 2016 on the file of the Prohibition and Excise Station, Kazipet, Warangal District.

2. Heard and perused the material available on record.

3. The petitioner herein is the owner of the aforementioned vehicle and he was engaged in the business of hiring the said vehicle for transportation under valid license. On 07.11.2016, the Prohibition and Excise Station Police, Kazipet registered the aforementioned case under Section 34(e) of A.P. Excise Act, 1968 against the petitioner and two others on the ground that they were transporting 900 kgs. of black jaggery illegally.

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. Chevrolet TAVERA bearing registration No.AP-15-W 4567 shall be released for interim custody of the petitioner subject to final orders to be passed in the above crime on petitioner furnishing a Fixed Deposit Receipt for Rs.2,00,000/- (Rupees two lakhs only) to the satisfaction of the Station House Officer, Prohibition and Excise Station, Kazipet, Warangal 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, he shall undertake to produce the vehicle as and when required by the Court.

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 : 05.06.2017
AMD

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