

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20549 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., TATA Indigo bearing registration No.AP 28 AQ 9605 seized in connection with COR No.209 of 2016 on the file of the Station House Officer, Prohibition and Excise Station, Achampet, Nizamabad District.

Heard and perused the material available on record.

On 05.10.2016, Prohibition and Excise Police registered the aforementioned case against the petitioner under Section 34(e) of the A.P. Excise Act, 1968 r/w.(3) and (4) (iii) of GUR order 1968 on the ground that he was transporting black jaggery illegally in the vehicle i.e. TATA Indigo bearing registration No.AP 28 AQ 9605. The petitioner is the owner of the aforementioned vehicle.

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.

Learned Government Pleader for Prohibition & Excise objected for the release of the vehicle since the same is involved in a crime.

Considering these circumstances, the petitioner is directed to make an application before the 2nd respondent - Deputy Commissioner of Prohibition and Excise, Mahaboobnagar, enclosing thereto a Fixed Deposit Receipt (FDR) drawn in favour of the Deputy Commissioner of

Prohibition and Excise, Mahaboobnagar, in any nationalized bank for a sum of Rs.1,00,000/- (Rupees one lakh only) and on such application being made, the vehicle i.e., TATA Indigo bearing registration No.AP 28 AQ 9605 shall be released for interim custody of the petitioner subject to final orders to be passed in the above crime 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. 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.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

June 23, 2017

KTL

RAJA ELANGO, J

