

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20769 OF 2017

ORDER:

The petitioner filed the present Writ Petition seeking to declare the action of the respondents in seizing the stock i.e. about 8000 kgs., of jaggery in CR No.161/ 2017 on the file of Prohibition and Excise Station, Alur, Kurnool District, as arbitrary and illegal and consequently, direct the respondents to release the said stock.

Heard and perused the material available on record.

The case of the petitioner is that he is doing business in purchase and sale of jaggery and other items in the name and style of Sri Meghana Traders, at Alur, Kurnool District. On 08.06.2017, the respondents seized the abovementioned stock from the house of the petitioner and registered the above case for the offence under Section 34(e) of the A.P. Excise Act and clause (3) and (4) of the GUR (Regulation and Use) 1968. Hence, the writ petition.

Learned Counsel for the petitioner submitted that the stock in question belongs to the son of the petitioner and that on earlier occasion, the 4th respondent seized the same stock from the possession of the son of the petitioner and registered a case in COR No.87 of 2017 and the son of the of the petitioner approached this Court by filing WP No.13169 of 2017 and this Court disposed of the said writ petition directing release of the said stock by furnishing personal bond for the value of the stock and the stock was released on furnishing the personal bond and then, the son of the petitioner transported the same to the house of the petitioner, and knowing about delivery of the stock at the

house of the petitioner, the 4th respondent again seized the same stock from the possession of the petitioner and registered the case.

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 8000 kgs., of jaggery seized in C.R. No.161/ 2017 shall be entrusted to the petitioner on petitioner furnishing a personal bond for the value of the seized stock, to the satisfaction of the 3rd respondent – Deputy Commissioner, Prohibition & Excise, Kurnool.

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

June 27, 2017

KTL

RAJA ELANGO, J

