

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.31981 OF 2017

ORDER:

This Writ Petition is filed seeking to issue a writ or order more particularly one in the nature of writ of mandamus to declare the action of respondent No.2 in not releasing the stock i.e., 2700 kgs., of white jaggery seized in P.R.No.375 of 2017, in spite of the readiness of the petitioner to furnish the third party surety, as illegal and arbitrary and consequently, direct respondent No.2 to issue orders for release of above said stock.

2. Heard and perused the material available on record.
3. On 12.09.2017, respondent No.3 registered the aforementioned crime against the petitioner for the offence punishable 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 on the ground of illegal possession of the aforementioned stock.
4. Learned counsel for the petitioner submitted that the jaggery is not a prohibited item and that the petitioner is purchasing the same under valid bills and he is doing business under valid licence and hence, prayed for release of the stock seized in the above crime.
5. Considering the facts and circumstances of the case, the Station House Officer, Kothagudem Prohibition and Excise Station, Bhadradri, Kothagudem District, is directed to release the stock i.e., 2700 kgs., of

white jaggery seized in the above crime to the petitioner on condition of his executing a personal bond for a sum of Rs.27,000/- (Rupees twenty seven thousand only) with one surety for the like sum to the satisfaction of the concerned Magistrate. However, this order does not preclude the authorities concerned from proceeding with the confiscation proceedings, if any.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

SEPTEMBER 19, 2017
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A.V.SESHA SAI, J



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Date:19.09.2017

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