

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2643 OF 2017

ORDER:

The writ petition is filed questioning the order dated 08.12.2016, passed by the Deputy Commissioner, Prohibition and Excise, Warangal, imposing a condition of furnishing a Fixed Deposit for a sum of Rs.6,30,000/- from any Nationalised Bank for release of the seized vehicle bearing No. T.S 03 MTR 9915, pending enquiry and disposal of the Excise Case registered under Section 34 of the A.P Excise Act, 1968.

It is the case of the petitioner that the petitioner is only a transporter and he has not participated in the commission of excise offence and he being an innocent transporter who has purchased the vehicle for eking out his livelihood on obtaining loan and the condition imposed by the respondents is onerous and thus he seeks indulgence of this Court.

Having considered the submission made by the learned counsel for the petitioner and the learned Government Pleader and on perusal of the relevant provisions, it may be noted that the jaggery is one of the items which is notified under the Essential Commodities Act, 1955. In the present case, it is the case of the respondents that about 100 kgs of jaggery and 1900 kgs of alum are being transported by the petitioner and was intercepted and a case was registered with the Judicial First Class Court. In other words, the petitioner is being prosecuted for an excise offence.

Subject to the final outcome of the case and considering the fact that the petitioner had purchased the vehicle in question under a hire purchase agreement under which he is required to

pay monthly instalments, the writ petition is being disposed of directing the respondents to release the seized vehicle bearing No. T.S 03 MTR 9915 of the petitioner forthwith on petitioner furnishing 50% of the value which is made by the Motor Vehicle's Inspector at Rs.6,60,000/- i.e., a Fixed Deposit Receipt for a sum of Rs.3,30,000/- in favour of the Deputy Commissioner, Prohibition and Excise, Warangal Division, Warangal, pending finalisation of the Excise Case. Petitioner shall also furnish an undertaking that he will not alienate the vehicle or create any third party interest over it and will not alter its nature, pending disposal of the proceedings before the competent authority.

With the above direction, the writ petition is disposed of. No order as to costs.

Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:30.01.2017.

Note:

Dispatch the CC forthwith.

B/o.

Gk

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Gk

