

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.1498 OF 1997

ORDER:

This writ petition is filed against the orders passed by the Commissioner of Prohibition and Excise, Hyderabad, third respondent herein, in Cr.No.4809/96/DPE/B2, dated 4-1-1997, confirming the order passed by the Deputy Commissioner of Prohibition and Excise, Anantapur, fourth respondent herein, in Rc.No.1870/95/B2, dated 8-11-1996, confiscating lorry bearing No.AP02T 3339 on the allegation of transporting liquor bottles in violation of Section 34 (a) of Andhra Pradesh Prohibition and Excise Act (for short, the Act).

2. It is the case of the petitioner that his lorry bearing No.AP-02 T 3339 was seized by the Inspector of Prohibition and Excise, Hindupur, fifth respondent herein, under Section 34(a) of the Act in Crime No. 247/94-95 and subsequently, the same has been released on the application made by the petitioner on his furnishing bank a guarantee for Rs.50,000/-. Thereafter, the fourth respondent issued confiscation proceedings in Rc.No.1870/95/B2, dated 8-11-1996 without issuing any notice to the petitioner. Challenging the same, the petitioner filed an appeal before the third respondent, who by order dated 04-01-1997, dismissed the same, confirming the orders of the fourth respondent, which lead the petitioner to file the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Prohibition and Excise (A.P).

4. A perusal of the orders passed by the third respondent, it is evident that he has passed the orders without appreciating the evidence on record and without giving reasonable opportunity to the petitioner, except stating that the orders passed by the fourth respondent are found correct. Since the third respondent passed the orders without expressing any reasons, the same cannot be sustained and the said proceedings are liable to be set aside.

5. In view of the above observation, this writ petition is allowed, setting aside the orders passed by the 3rd respondent in Cr.No.4809/96/DPE/B2, dated 4-1-1997. No costs. As a sequel, Miscellaneous Petitions pending if any shall stand closed.

Date: 24-11-2017
Shr.

T.AMARNATH GOUD

