

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17886 OF 2017

ORDER:

1. This Writ Petition is filed under Article 226 of the Constitution of India seeking a direction to the 3rd respondent to release the stock i.e., 7,500 kgs of Red Jaggery and 1800 kgs of white Jaggery seized in COR No.89 of 2017 in favour of the petitioner.

2. Heard and perused the material available on record.

3. It is stated that the petitioner is carrying on business of Jaggery and general items in the name and style of M/s Bolisetti Ashok Kumar Oil Jaggery General Merchant. On 24.4.2017, the 3rd respondent along with his staff inspected the shop of the petitioner and seized 7,500 kgs of red jaggery and 1800 kgs of white jaggery and registered a case in COR No.89 of 2017 under Section 34(e) of the A.P. Excise Act. The petitioner approached the 2nd respondent requesting to release the stock. But no orders have been passed. Hence, the petitioner filed this writ petition.

4. The learned Counsel for the petitioner submitted that the jaggery is not a prohibited item and that the petitioner is ready to furnish sufficient surety.

5. Learned Government Pleader for Prohibition and Excise raised objection for release of the jaggery.

6. Considering the facts and circumstances of the case, the petitioner is directed to make an application before the 2nd respondent-Deputy Commissioner, Prohibition and Excise, enclosing thereto a Fixed Deposit

Receipt (FDR) drawn in favour of the 2nd respondent-Deputy Commissioner on any nationalized bank for a sum of Rs.50,000/- (Rupees Fifty Thousand only). On such application being made and on execution of a personal bond by the petitioner for a sum of Rs.1,00,000/- (Rupees One Lakh only) to the satisfaction of the 2nd respondent, the 2nd respondent is directed to release 7,500 kgs of red jaggery and 1800 kgs of white jaggery seized in COR No.89 of 2017 in favour of the petitioner. However, this order does not preclude the authorities concerned from proceeding with the confiscation proceedings, if any.

7. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Date : 06.06.2017
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JUSTICE RAJA ELANGO



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