

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 7780 OF 2017

ORDER :

This Writ Petition is filed questioning the inaction of the 2nd respondent Deputy Commissioner of Prohibition & Excise, Warangal in not releasing Mahindra Bolero vehicle bearing Registration No. AP 20 TA 7410 seized in connection with Crime No. 33 of 2017 on the file of Kesamudram Police Station, in spite of the readiness expressed by the petitioner to furnish the third party security.

The case of the petitioner is that he is the owner of the above said vehicle. On 12.02.2017, when the vehicle was transporting black jaggery, on hire basis, it was intercepted by the 3rd respondent at the outskirts of Kaluvala Village. A case in Crime No. 33 of 2017 for the offence under Section 34(e) of the A.P. Excise Act, 1968 was booked against the petitioner and the subject vehicle was seized.

Heard learned counsel for the petitioner as well as learned Government Pleaders for Prohibition & Excise and Home (Telangana).

Having considered the submission made on either side, the Writ Petition is disposed of directing Respondents 2 and 3 to release the seized vehicle bearing Registration No. AP 20 TA 7410 of the petitioner forthwith on his furnishing a Fixed Deposit Receipt for a sum of Rs. 1,00,000/- (Rupees one lac only) in favour of the 2nd respondent. It is, however, made clear that the release of the vehicle shall be subject to the final orders that may be passed

in Crime No. 33 of 2017. The 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 directions, the Writ Petition is disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

08th March 2017

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