

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17553 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue a writ of mandamus or any other appropriate writ or direction declaring the action of respondent No.5 in seizing the liquor stocks and registering a case in Crime No.84 of 2017 on the file of the Prohibition and Excise Station, Parvathipuram, Vizianagaram District as illegal and arbitrary and consequently, quash the same.

2. Case of the petitioner is that he obtained provisional licence from respondent No.4 for sale of Indian made foreign liquor and foreign liquor by shop in respect of shop notified at Gazette Sl.No.197 and the same was valid till 15.04.2017. The beverages Corporation releases the stock only on the basis of the provisional licence. As there was a delay in issuing the permanent licence, he made an application to respondent No.4 on 26.04.2017 requesting him to direct the depot manager to release the stocks. Respondent No.4 herein addressed a letter to the depot manger on 26.04.2017 requesting him to issue stocks up to 30.04.2017. The petitioner placed an indent with the depot and the stocks have been released in his favour on 27.04.2017. Respondent No.5 inspected the premises where the stock was kept and registered a case on 28.04.2017 and seized the liquor stocks from the premises. Challenging the action of respondent No.5 in seizing the liquor stocks and registering the aforementioned case even though

he has valid license to possess liquor bottles, the petitioner filed the present writ petition.

3. Heard and perused the material available on record.

4. The Inspector of Prohibition and Excise is authorized to seize the liquor bottles, but not the Sub-Inspector of Prohibition and Excise. Considering all the facts and circumstances of the case and as the petitioner is having valid license on the date of seizure of the liquor bottles, the respondents are directed to release the liquor stocks on condition of the petitioner executing a personal bond for a sum of Rs.6,00,000/- (Rupees six lakhs only) with one surety for the like sum to the satisfaction of the Prohibition and Excise Inspector, Prohibition and Excise Station, Parvathipuram, Vizianagaram District.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date : 06.06.2017
AMD

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