

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17790 OF 2017

ORDER:

1. This Writ Petition is filed under Article 226 of the Constitution of India seeking a direction to the 4th respondent to release Jaggery seized in COR No.161 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 Alum in the name and style of Sai Ganesh Kirana Jaggery and Alum Merchants and it has requisite licence and it has been selling jaggery and alum to various customers under valid bills. While so, the petitioner purchased jaggery by placing an order to M/s. Ajay Kumar Manoj Kumar, Commission Agents, Mangalur Town, Haridwar, Uttarakhand District and the said jaggery was loaded in a lorry. When the lorry reached Dharmaram village for unloading at the godown of the petitioner on 18.4.2017, the 3rd respondent seized the lorry and the jaggery. After conducting panchanama a case in COR No.161 of 2017 was registered. 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 3rd respondent-Deputy Commissioner, Prohibition and Excise, enclosing thereto a Fixed Deposit Receipt (FDR) drawn in favour of the 3rd respondent-Deputy Commissioner on any nationalized bank for a sum of Rs.1,00,000/- (Rupees one lakh only). On such application being made and on execution of a personal bond by the petitioner for a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the satisfaction of the 3rd respondent, the 3rd respondent is directed to release the jaggary of 8,000 kgs seized in the above COR 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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