

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23116 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action of respondent No.2 in not releasing the stocks i.e., 600 kgs. of red jaggery (40 boxes each containing 15 kgs) seized in C.O.R.No.43/2017 in spite of the readiness of the petitioner to furnish the third party surety as illegal and arbitrary and consequently, direct respondent No.2 to issue orders for release of the above said stocks.

2. Heard and perused the material available on record.

3. On 22.4.2017, respondent No.3 registered the aforementioned crime against the petitioner and another for the offences under Section 34(e) of the A.P. Excise Act, 1968 and section 7(A) read with 8(e) of the A.P. Prohibition Act, 1995 on the ground of illegal possession of the aforementioned red jaggery.

4. Learned counsel for the petitioner submitted that red jaggery is not a prohibited item and that the petitioner is purchasing the same under valid bills and he is doing business under valid licence and hence, prayed for release of the stock seized in the above crime.

5. Considering the facts and circumstances of the case, the Station House Officer, Khammam-II Prohibition and Excise Station, Khammam District is directed to release the stocks i.e., 600 kgs. of red jaggery (40 boxes each containing 15 kgs) seized in

the above crime to the petitioner on condition of his executing a personal bond for a sum of Rs.6,000/- (Rupees six thousand only) with one surety for the like sum to the satisfaction of the concerned Magistrate. However, this order does not preclude the authorities concerned from proceeding with the confiscation proceedings, if any.

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

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

Date: 13.07.2017
AMD

JUSTICE RAJA ELANGO



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