

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20503 OF 2017

ORDER:

The petitioner filed the present Writ Petition seeking to declare the action of the 2nd respondent in not passing orders for release of the stock i.e. 111 boxes of white jaggery each containing 22 kgs., sized in COR No.233 of 2017 on the file of Prohibition and Excise Station, Bhadrachalam, as arbitrary and illegal.

Heard and perused the material available on record.

The case of the petitioner is that he is doing business in purchase and sale of coconut, white jaggery and other Kirana items in the name and style of M/s.Sri Hari Durga Sai coconut General Merchant. On 22.05.2017, when the petitioner is transporting the abovementioned stock in an Ashok Leyland Mini Van, the 3rd respondent seized the said vehicle along with the stock and registered the above said crime.

Learned Counsel for the petitioner submitted that the petitioner approached the 2nd respondent – Deputy Commissioner Prohibition and Excise, Khammam, for release of the said stock, but the 3rd respondent refused to release the same. Hence, this writ petition.

Admittedly, the white jaggery seized from the possession of the petitioner in the above referred crime is not a prohibited article under any law and its possession is also not barred by the provisions of any Statute.

Considering these circumstances, interim custody of the stock i.e 111 boxes of white jaggery each containing 22 kgs, seized in COR No.233 of 2017 on the file of the Prohibition and Excise Station, Bhadrachalam,

shall be entrusted to the petitioner on petitioner executing Bank Guarantee for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the 2nd respondent – Deputy Commissioner, Prohibition & Excise, Khammam District.

Accordingly, the Writ Petition is disposed. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

June 23, 2017

KTL



