

THE HON'BLE SRI JUSTICE RAJA ELANGO

W.P. No.20374 of 2017

ORDER

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ, order or direction, more particularly one in the nature of writ of *Mandamus* declaring the action of the 2nd respondent in not passing orders for release of the stocks i.e., 150 bags of black jaggery each containing 50 kgs seized in cr.No.104 of 2017 in spite of the readiness of the petitioner to furnish the third party surety as illegal and arbitrary.

2. Heard and perused.
3. Learned counsel for the petitioner submitted that the value of the seized stocks will be diminished if they are kept idle in the premises of the Station.
4. Admittedly, black jaggery seized from the possession of the petitioner in the above referred crime is not prohibited article under any law and its possession is also not barred by the provisions of any Statute.
5. Considering the facts and circumstances, the seized 150 bags of black jaggery, each containing 50 kgs, in the above referred crime shall be entrusted to the interim custody of the petitioner on petitioner's furnishing bank guarantee for a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the satisfaction of the trial court.
6. Accordingly, the Writ Petition is disposed of. No order as to costs

7. Miscellaneous petitions pending in this matter, if any, shall stand closed.

JUSTICE RAJA ELANGO

22nd June, 2017

skmr

