

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17605 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to release the vehicle of the petitioner i.e., Bolero Maxi Truck bearing registration No.AP 24 TC 4739 seized in Crime No.49 of 2017 on the file of the Station House Officer, Suryapet Rural Police Station, Suryapet, Suryapet District.

2. Heard and perused the material available on record.

3. On 05.04.2017, Suryapet Rural Police registered the aforementioned case against two persons under Section 34(e) of the A.P. Excise Act, 1968 on the ground that they were transporting black jaggery and alum illegally. The petitioner herein is the owner of the aforementioned vehicle.

4. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He further submitted that the petitioner is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court.

5. Learned Government Pleader for Home objected for the same since the vehicle is involved in a crime.

6. Considering these circumstances, the petitioner is directed to make an application before the concerned Deputy Commissioner of Prohibition and Excise enclosing thereto a Fixed Deposit Receipt

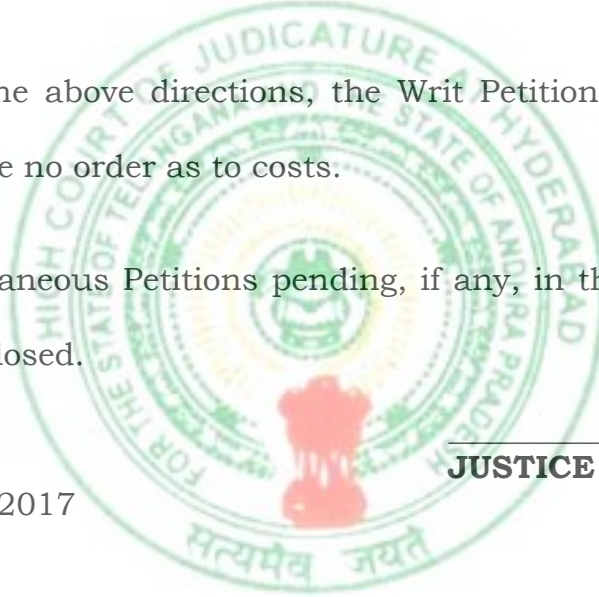
(FDR) drawn in favour of the Deputy Commissioner on any nationalized bank in a sum of Rs.1,00,000/- (Rupees one lakh only) and on such application being made, the vehicle i.e., Bolero Maxi Truck bearing registration No.AP 24 TC 4739 shall be released for interim custody of the petitioner subject to final orders to be passed in the above crime and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the crime and further, he shall undertake to produce the vehicle as and when required by the Court.

7. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

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

Date : 05.06.2017
AMD

JUSTICE RAJA ELANGO



18

THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.17605 OF 2017

Date: 05.06.2017

AMD