

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6853 OF 2017

ORDER:

The writ petition is filed questioning the action of the 2nd respondent in not releasing the Auto bearing No.A.P.21Y 5950 of the petitioner seized in Crime No. 8 of 2017, in spite of the readiness of the petitioner to furnish third party security.

It is the case of the petitioner that he is the owner of the above said Auto having purchased the same by availing financial assistance from near and dear and eking out his livelihood from out of the income derived from the said auto. While so, the above said vehicle was engaged for transportation of Toddy on payment of hire charges and when the said vehicle reached Sub Station in the outskirts of Manopad village, the 3rd respondent intercepted the vehicle and seized. It is further stated that the petitioner is an illiterate person and he did not know about the illegal transportation of the illicit liquor and the petitioner is concerned with the hire charges and if the vehicle is kept idle, the petitioner would be put to irreparable loss and hardship. The petitioner had approached the 2nd respondent and expressed his readiness to furnish the third party security for releasing of the said vehicle, but the 2nd respondent did not heed the requests of the petitioner. Hence, the writ petition.

Learned counsel for the petitioner submits that the petitioner is eking out his livelihood by running the above said Auto and hence he prays to order to release the auto on petitioner furnishing a fixed deposit receipt for a sum of Rs.30,000/- in favour of the respondents.

Having considered the submission made by the learned counsel for the petitioner and subject to the final outcome of the Crime No.8 of 2017 and considering the fact that the petitioner had purchased the vehicle by borrowing the money from the relatives and the petitioner is eking out his livelihood by running the auto, the writ petition is being disposed of directing the respondents to release the seized vehicle bearing No.A.P.21Y 5950 of the petitioner forthwith on his furnishing Fixed Deposit Receipt for a sum of Rs.30,000/-, pending finalisation of the Crime No.8 of 2017, registered for an offence under Section 34(a) of the A.P. Excise Act,1995. Petitioner shall also furnish an undertaking that he will not alienate the vehicle or create any third party interest over it and will not alter its nature, pending disposal of the proceedings before the competent authority.

With the above direction, the writ petition is disposed of. No order as to costs.

Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:01.03.2017.

Note:

Dispatch the CC forthwith.

B/o.

Gk

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6853 OF 2017

Date:01.03.2017

Gk

