

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.24478 of 2017

Date:25.07.2017

Between:

Srinu Naik Lavoori

...Petitioner.

AND

The State of Telangana,
Rep by its Principal Secretary,
Revenue (Excise) Department,
Secretariat, Hyderabad and others.

...Respondents.

The Court made the following :



THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**WRIT PETITION No.24478 of 2017****ORDER:**

This Writ Petition under Article 226 of the Constitution of India is filed to declare the action of the second respondent in not releasing the petitioner's Mahindra & Mahindra Bolero Maxi Vehicle bearing Reg.No.TS-05-UA-9326 seized in Cr.No.31 of 2017 in spite of the readiness of the petitioner to furnish the third party surety, as being illegal, arbitrary and unjust.

2. Learned counsel for the petitioner submits that in similar circumstances, this Court disposed of by order dated 11-07-2017 passed in W.P.No.22694 of 2017 and the same is not disputed by the learned Assistant Government Pleader for Excise appearing for respondents.

3. Considering the facts and circumstances mentioned in the writ affidavit, the petitioner is directed to make an application before the Deputy Commissioner of Prohibition and Excise, Suryapet, Suryapet District (2nd respondent) and on such application being made, the vehicle i.e., Mahindra & Mahindra Bolero Maxi Vehicle bearing Reg.No.TS-05-UA-9326 seized in Cr.No.31 of 2017 shall be released for interim custody of the petitioner, subject to final orders to be passed in the criminal case, on his executing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum 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 criminal case and further he shall undertake to produce the vehicle as and when required by the concerned Magistrate. However, it is made clear that

the present order will not stand in the way of any confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

4. Accordingly, the writ petition is disposed of. No costs.

5. As a sequel, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

JUSTICE A. RAJASHEKER REDDY

Date:25.07.2017

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