

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6221 OF 2017

ORDER:

Seizure of vehicle i.e. Lorry bearing No.AP-24-Y-5419 in connection with crime No.17 of 2017 of Bhupalpally Police Station, Jayashanker District, on the ground that the vehicle is alleged to have been found carrying jaggery, is challenged before this Court.

It is not necessary for this Court to enter into various issues raised either by the learned counsel for the petitioner or the learned Government Pleader in view of the judgment of this Court in ***Banavathu Babu vs. Government of Andhra Pradesh and others***¹ wherein this Court held that the Deputy Commissioner of Prohibition & Excise is the competent authority u/s.34 read with Section 46 of A.P. Excise Act and directed the petitioner therein to approach the Deputy Commissioner of Prohibition & Excise with a Fixed Deposit Receipt for certain amount to enable the Deputy Commissioner to grant interim custody of the vehicle. The amount fixed in the said case was based on the facts therein.

In the present case, though the petitioner claims that the vehicle is of the year 2010, it is not possible for this Court to determine the value of the vehicle. Hence, in the interest of justice, on approach by the petitioner, the second respondent can be directed to pass appropriate orders indicating the value for which the fixed deposit receipt is to be provided for release of the vehicle.

¹ 2014 (6) ALD 380

In these circumstances, giving liberty to the petitioner to approach the 2nd respondent seeking release of the vehicle, the Writ Petition is disposed of. However, as and when the petitioner approaches, the second respondent shall consider and pass appropriate orders for release of the vehicle keeping in view the judgment of this Court referred supra, within a period of fifteen days therefrom.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. No order as to costs.

JUSTICE CHALLA KODANDA RAM

22nd February, 2017.

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