

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18223 of 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to release the stock i.e., 1500 kgs of black jaggery (150 bags each containing 10 kgs) seized in P.R.No.179 of 2017, on the file of the Station House Officer, Nirmal Prohibition and Excise Police Station, Nirmal District/Adilabad District.

2. Heard and perused the material available on record.

3. The case of the petitioner is that the petitioner is a license holder in the name and style of M/s. Baba Bholenath Agro Industries, situated at Survey No.514, near Nagadevatha Temple, Bhokar Road, Bhainsa, Adilabad District and that he is the owner of the property i.e., 1500 kgs of black jaggery (150 bags each containing 10 kgs) seized in criminal case in P.R.No.179 of 2017, dated 25.05.2017, registered by the 3rd respondent for the offence under Section 7(A) read with 8(e) of the A.P. Prohibition Act, 1995 read with Section 34(e) of the A.P. Excise Act, 1968, and that the petitioner is not an accused in the above said crime.

4. Learned counsel for the petitioner submitted that the petitioner is the owner of the stock of 1500 kgs of black jaggery (150 bags each containing 10 kgs) seized in P.R.No.179 of 2017 and that the petitioner is not an accused in the above said crime and that the value of the seized property will be diminished if it is

kept idle in the premises of 3rd respondent. He further submitted that the petitioner is ready to furnish sufficient surety.

5. Learned Government Pleader for Excise for respondents objected for the same.

6. Admittedly, black jaggery seized in the above referred crime is not a prohibited article under any law and its possession is also not barred by the provisions of any Statute.

7. 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 for a sum of Rs.25,000/- (Rupees twenty five thousand only) and on such application being made, the interim custody of 1500 kgs of black jaggery (150 bags each containing 10 kgs) seized in the above referred crime shall be entrusted to the interim custody of the petitioner.

8. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

RAJA ELANGO,J

Date: 7th June, 2017

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