

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 15269 OF 2017

O R D E R :

Questioning the seizure of CBZ Bike bearing Registration No. AP 15 BE 1396 in connection with Cr.No.78 of 2016 by the Station House Officer, Ameerpet Police Station, Hyderabad, the present Writ Petition is filed.

As per Sections 12 and 13 of the Andhra Pradesh Prohibition Act read with Sections 46 and 45 of the Andhra Pradesh Excise Act, the Deputy Commissioner of Prohibition & Excise concerned has the competence to deal with any such motor vehicle and initiate proceedings for its confiscation. If a motor vehicle is kept idle and not used for long, it is more likely that it will get rusted because of gathering of fine particles of dust and other material and hence, it would be more appropriate to entrust the interim custody to the person concerned. If the petitioner approaches respondent No.3 - Deputy Commissioner of Prohibition & Excise, Nampally, Hyderabad and, on furnishing a Fixed Deposit Receipt for the value of the vehicle, as assessed under the Motor Vehicles Act, the vehicle bearing Registration No. AP 15 BE 1396 may be entrusted for interim custody to the petitioner,

provided she produces necessary material in the form of the Registration Certificate (RC) of the vehicle and also her identity proof and furnishing an undertaking that she will keep the vehicle insured at all times, she will keep it in good running condition by maintaining it regularly, she will not create any third party interests or charge thereon and she will not alienate the same. So far as the contraband is concerned, the same can be examined for entrustment or otherwise only upon finalization of the confiscation proceedings. It shall also be open to the Deputy Commissioner of Prohibition & Excise to secure valuation of the motor vehicle by referring it to the Motor Vehicle Inspector.

With the above observations, the Writ Petition stands disposed of. No costs. Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

Date:26.04.2017
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