

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.13169 OF 2017

ORDER:

The writ petition is filed questioning the action of the respondents in seizing 160 Plastic bags of jaggery each 50 kgs total 8000 kgs under the cover of First Information Report in C.R.No.87 of 2017 dated 25.03.2017, registered under Section 34 of the A.P Excise Act, 1968, on the premise the said jaggery is useful for preparation of I.D Liquor.

It is the case of the petitioner that the jaggery is an agricultural produce. The farmers who produce jaggery were allowed to sell their produce in the agricultural market yards. The wholesalers who purchase jaggery from the farmers sells to the retailers like me under bills. It is stated that the petitioner purchased the jaggery under bill dated 24.3.2017 from one Siddaiah Naidu and company, Chittoor and paid the market cess to the Agricultural market yard Chittoor and the jaggery is exempted from the payment of tax. It is further stated that the 3rd respondent visited the shop of the petitioner on 25.03.2017 and seized 160 plastic bags of jaggery each 50 kgs under a cover of panchanama on the ground that the said jaggery is likely to be used by the purchasers for preparation of I.D Liquor. The 3rd respondent on the basis of his assumption without any basis that the said jaggery is likely to be used for preparation of I.D liquor seized highhandedly. Hence, the present writ petition.

Having considered the submission made by the learned counsel for the petitioner and the learned Government Pleader and on perusal of the relevant provisions, it may be noted that the

jaggery is one of the items which is notified under the Essential Commodities Act, 1955. In the present case, it is the case of the respondents that about 8000 kgs of jaggery was seized and a case in Crime No.87 of 2017 was registered by the Prohibition and Excise Station, Alur, Kurnool District under Section 34 of the Act and is pending for enquiry.

Subject to the final outcome of the case and considering the fact that the petitioner had purchased the said jaggery from one Siddaiah Naidu and company, Chittoor under Bill dated 24.03.2017 by paying the market cess to the Agricultural Market Yard Chittoor, the writ petition is being disposed of directing the respondent authorities to release the seized stock of 8000 kgs jaggery forthwith on petitioner furnishing a personal bond for the value of the seized stock, 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:13.04.2017.

Note:

Dispatch the CC forthwith.

B/o.

Gk

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM



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