

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20832 OF 2017

ORDER:

The petitioner filed the present Writ Petition seeking to declare the action of the 2nd respondent in not passing orders for release of the stock i.e. 1600 kgs., of jaggery seized in PR No.241/2017 inspite of readiness of the petitioner to furnish the third party surety, as arbitrary and illegal.

Heard and perused the material available on record.

The case of the petitioner is that he is doing business in purchase and sale of jaggery and other Kirana items in the name and style of M/s.Venkateswara Kirana General & Jaggery Merchant at Laxmidevipalli, Sujathanagar Mandal, Khammam. On 24.04.2017, the 3rd respondent surprised the godown of the petitioner in routine and mechanical manner and seized the above said stock and registered case in PR No.241 of 2017 for the offence under Section 7 (A) r/w.8 (e) of A.P. Prohibition Act and 34(e) of the A.P. excise Act.

Learned Counsel for the petitioner submitted that the petitioner approached the 2nd respondent – Deputy Commissioner Prohibition and Excise, Khammam, for release of the said stock, but the 2nd respondent refused to release the same. Hence, this writ petition.

Admittedly, the jaggery seized from the possession of the petitioner 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.

Considering these circumstances, interim custody of the stock i.e 1600 kgs., of jaggery seized in P.R. No.241/2017 on the file of Prohibition and Excise Station, Kothagudem, Bhadradi Kothagudem District, shall be entrusted to the petitioner on petitioner submitting a bank guarantee for a sum of Rs.16,000/- (Rupees sixteen thousand only) to the satisfaction of the 2nd respondent – Deputy Commissioner, Prohibition & Excise, Khammam District.

Accordingly, the Writ Petition is disposed. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

June 27, 2017

KTL

RAJA ELANGO, J



