

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.31682 of 2017

ORDER:

This Writ Petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of mandamus to declare the action of respondent No.2 in not releasing the stocks i.e., 2000 kgs. of black jaggery (40 gunny bags) each containing 50 Kgs., seized in Cr.No.22/2017 by the 3rd respondent in spite of readiness of the petitioner to furnish the third party surety as illegal and arbitrary and consequently, direct the 2nd respondent to issue orders for release of the above said stocks.

Heard and perused the material available on record.

On 29.01.2017, respondent No.3 registered the aforementioned crime against the petitioner for the offence under Section 34(e) of the A.P. Excise Act, 1968 on the ground of illegal possession of the aforementioned jaggery.

Learned counsel for the petitioner submitted that jaggery is not a prohibited item and that the petitioner is purchasing the same under valid bills and he is doing business under valid licence and hence, prayed for release of the stock seized in the above crime.

Considering the facts and circumstances of the case, the Station House Officer, Nereducherla Police Station, Nalgonda District is directed to release the stocks i.e., 2000 kgs. of black jaggery (40 bags each containing 50 kgs) seized in the above crime to the petitioner on condition of his executing a personal bond for a sum of Rs.40,000/- (Rupees forty thousand only) with one surety

for the like sum to the satisfaction of the concerned Magistrate. However, this order does not preclude the authorities concerned from proceeding with the confiscation proceedings, if any.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, shall also stand disposed of.

A.V.SESHA SAI, J

Date: 18.09.2017.
ES

