

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18252 of 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to release the vehicle of the petitioner i.e., Mahindra Bolero Maxi Truck bearing No.AP 01X 8336 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. On 25.05.2017, at about 8.05 p.m., on reliable information, Prohibition and Excise Officers along with staff conducted route watch and detected one case of illegal transports possession of black jaggery, Alum and ID liquor. The accused were arrested on the spot. The 3rd respondent registered criminal case in P.R.No.179 of 2017, dated 25.05.2017, 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, conducted Panchanama and seized stocks along with the vehicle of the petitioner i.e., Mahindra Bolero Maxi Truck bearing No.AP 01X 8336 in the custody.

4. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He further submitted that the petitioner is ready to furnish

sufficient surety and also produce the vehicle as and when required by the Court.

5. Learned Government Pleader for Excise for respondents objected for the same since the vehicle is involved in a crime.

6. 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.1,00,000/- (Rupees one lakh only) and on such application being made, the vehicle i.e., Mahindra Bolero Maxi Truck bearing No.AP 01X 8336 shall be released for interim custody of the petitioner subject to final orders to be passed in the above crime and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the crime and further, he shall undertake to produce the vehicle as and when required by the Court. However, it is made clear that the present order will not stand in the way of any confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

7. 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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