

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23533 OF 2017

ORDER:

The petitioner filed the present Writ Petition seeking to declaring the action of the respondents 3 and 4 in seizing 3000 Kgs of Jaggery in 150 Cartons each 20 Kgs and 10 Kgs of Alum from the shop of the petitioner on 21.6.2017 under Crime No.223 of 2017 on the file of the Prohibition & Excise Station, Mahabubabad, Mahabubabad District (Warangal District) on the basis of the confession of the other accused, as illegal and arbitrary, and consequently, direct the respondents to release 3000 Kgs of Jaggery in favour of the petitioner.

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 at Dornakal village and Mandal, Mahabubabad District in the name and style of M/s.Adinath Traders, under valid certificate of registration. The 4th respondent visited the shop of the petitioner on the confession of the other accused in COR No.223 of 2017 on the file of the Prohibition & Excise Station, Mahabubabad registered 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, and seized the above stock of the petitioner.

Learned Counsel for the petitioner submitted that 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 and the petitioner approached the Court concerned seeking release of jaggery,

but the said application was rejected on the ground of jurisdiction.
Hence, this writ petition.

Considering these circumstances, interim custody of the stock i.e. 3000 kgs., of jaggery seized in Cr.No.223 of 2017 on the file of Prohibition & Excise Station, Mahabubabad, shall be entrusted to the petitioner on petitioner executing a personal bond for a sum of Rs.35,000/- (Rupees Thirty Five thousand only) with one surety for the like sum to the satisfaction of the 2nd respondent – Deputy Commissioner, Prohibition & Excise, Mahabubabad.

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

July 17, 2017

KTL

RAJA ELANGO, J



