

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 16403 OF 2017

ORDER :

Questioning the seizure of Ashoka Leyland Goods Carriage – LMV bearing Registration No. AP24V3355 in connection with C.O.R. No. 121 of 2017 by the Station House Officer, Prohibition & Excise Police Station, Devarakonda, Nalgonda District, the present Writ Petition is filed.

As per Sections 12 and 13 of the Andhra Pradesh Prohibition Act read with Sections 46 and 45 of the Andhra Pradesh Excise Act, the Deputy Commissioner of Prohibition & Excise concerned has the competence to deal with any such motor vehicle and initiate proceedings for its confiscation. If a motor vehicle is kept idle and not used for long, it is more likely that it will get rusted because of gathering of fine particles of dust and other material and hence, it would be more appropriate to entrust the interim custody to the person concerned.

If the petitioner approaches respondent No.2 - Deputy Commissioner of Prohibition & Excise, Nalgonda with an application, enclosing thereto a Fixed Deposit Receipt drawn in favour of the Deputy Commissioner on any nationalized bank payable at Nalgonda, for a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only), the vehicle bearing

Registration No. AP24V3355 may be entrusted for interim custody to the petitioner, provided he produces necessary material in the form of the Registration Certificate (RC) of the vehicle and also his identity proof and furnishing an undertaking that he will keep the vehicle insured at all times, he will keep it in good running condition by maintaining it regularly, he will not create any 3rd party interests or charge thereon and he will not alienate the same.

So far as the contraband is concerned, the same can be examined for entrustment or otherwise only upon finalization of the confiscation proceedings. It shall also be open to the Deputy Commissioner of Prohibition & Excise to secure valuation of the motor vehicle by referring it to the Motor Vehicle Inspector.

The Writ Petition is disposed of accordingly. No costs. Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

Date:28.04.2017
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