

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.35972 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed assailing the action of the third respondent in not releasing the stocks i.e., 60 bags of Black Jaggey each containing 50 Kgs. (3000 Kgs.) seized in Crime No.172 of 2017 on the file of the Jaggaiahpetta Prohibition and Excise Station, Krishna District.

Learned counsel for the petitioner submits as follows: 'The petitioner is an agriculturist. He purchased the Black Jaggerly for agricultural use. Black Jaggerly will be used by the ryots and owners of cattle as cattle feed. The said Black Jaggerly was seized and was produced before the second respondent, who is the competent authority under the provisions of the Andhra Pradesh Excise Act, 1968 (for short, 'the Act'). Black Jaggerly is not an excisable article as per the provisions of the Act and Government Orders. Hence, the petitioner is entitled to release of the Jaggerly seized. This Court is passing orders releasing Black Jaggerly in cases with identical facts. Therefore, similar orders as were being granted may also be granted to the petitioner. The value of the Jaggerly would be approximately Rs.30,000/-.'

Learned Government Pleader appearing for respondents 1 to 3 would submit that since the seizure of the Black Jaggerly is reported to the second respondent, the Deputy Commissioner of Prohibition and Excise, he is competent to pass appropriate orders. The petitioner has to approach the said competent authority for release of the Jaggerly. Learned Government Pleader would also

submit that the value of the Jaggery seized would be more than Rs.1,00,000/-.

I have given earnest consideration to the facts and submissions and also gone through the orders of this Court dated 18.09.2017 in W.P.No.31682 of 2017, wherein this Court while releasing Black Jaggery stock of 2000 Kgs. directed the petitioner therein to give a personal bond for Rs.40,000/- with one surety.

Having regard to the facts and submissions, the second respondent is directed to release the stocks of the petitioner i.e., 3000 Kgs. of Black Jaggery (60 bags each containing 50 kgs.) seized in the aforestated crime, on condition of the petitioner executing a personal bond for Rs.50,000/- with one surety in a likesum to the satisfaction of the said authority. However, this order shall not preclude the authorities concerned from further proceeding in the matter in accordance with procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 07.11.2017
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