

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**WRIT PETITION No.40467 of 2017**

**ORDER:**

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner against the action of the respondents in not releasing the stock of black jaggery i.e., 150 bags each containing 50 kgs., total containing 7500 kgs., seized in Crime No.117 of 2017 by the Station House Officer, Seerole Police Station, Law and Order, Mahabubabad District.

2. I have heard the submissions of Sri *B. Yadaiah*, learned counsel appearing for the petitioner, the learned Government Pleader for Excise appearing for the 1<sup>st</sup> respondent, and of the learned Government Pleader for Home appearing for the 2<sup>nd</sup> respondent. I have perused the material record.

3. Learned counsel for the petitioner would submit that the petitioner is an agriculturist and he purchased black jaggery for agricultural use and that black jaggery will be used by the ryots and owners of cattle as cattle feed. He placed reliance on an order of this Court, dated 07.11.2017, in W.P.No.35972 of 2017 and sought release of the stock on the same lines. Learned counsel for the petitioner further submits that after the seizure of the stock and registration of the crime, the seizure of the stock is reported to the learned Judicial Magistrate of First Class, Mahabubabad.

4. Learned Government Pleaders appearing for the respondents 1 & 2 would submit that the Deputy Commissioner is a necessary and proper party, as he is the competent authority to pass appropriate orders and that the petitioner has to approach the said authority for release of the jaggery seized, which is worth nearly Rs.90,000/-.

5. I have given earnest consideration to the facts and submissions and I have gone through the earlier orders of this Court aforementioned.

6. Having regard to the facts and submissions, the petitioner is directed to approach the learned Judicial Magistrate of First Class, Mahabubabad, and file an application for release of the stock i.e., 7500 kgs. of black jaggery (150 bags each containing 50 kgs.) and on the petitioner filing such an application, the learned Magistrate shall release the stock to the petitioner on condition of the petitioner executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with one surety for the like sum to the satisfaction of the learned Magistrate. However, this order shall not preclude the authorities concerned from further proceeding in the matter, in accordance with the procedure established by law.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

**JUSTICE M. SEETHARAMA MURTI**

Date: 29<sup>th</sup> November, 2017

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230

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