

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41520 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“...to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not for releasing the petitioner's Ashok Leyland Dost Truck jeep bearing Reg. No. AP-07-TF-7627 seized in FIR No. 10/2017 on the file of the 3rd respondent transferred to 4th respondent on the point of jurisdiction inspite of the readiness of the petitioner to furnish the third party surety, as being illegal, arbitrary and unjust, and consequently direct the 2nd respondent to issue orders for release the above said vehicle, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for respondent Nos.1 to 4.

3. Learned counsel for the petitioner would submit that the crime number is 112 of 2017 on the file of Prohibition and Excise Station, Piduguralla.

4. At the hearing, it was brought to the notice of this Court that in a case with identical facts, this Court disposed of W.P.No.25752 of 2017 by order, dated 02.08.2017, by following an earlier order, dated 05.06.2017, in W.P.No.17582 of 2017 and therefore, this Writ Petition may also be disposed of in terms of the orders afore-stated.

5. Following the afore-stated orders and for the reasons alike as were mentioned in the orders afore-stated passed in afore-stated Writ Petitions, this Writ Petition is also disposed of directing respondent No.2 to release the vehicle bearing registration No.AP-07-TF-7627 to the petitioner for interim custody subject to the final orders to be passed in the criminal proceedings and on petitioner furnishing a Fixed Deposit Receipt for Rs.1,00,000/- (Rupees one lakh only) from any nationalized bank in favour of respondent No.2 and also on production of original R.C. Book and on petitioner further giving an undertaking that he will not transfer or alienate the vehicle to third party in any manner and will maintain the vehicle in the same good roadworthy condition without changing its major parts and features and would produce the same as and when directed before any Court or competent authority.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

December 13, 2017

Note: Issue C.C. in two days.
B/O.MD