

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.43184 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased 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 releasing the petitioner's Mahindra Bolero Truck jeep bearing Reg.No. TS-26-T-1709 seized in Cr.No. 267/2017 inspite of the readiness of the petitioner to furnish the third party surety, as being illegal, and arbitrary, and consequently direct the respondent No.2 to release the vehicle, and to grant such other relief or reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *B.Yadaiah*, learned counsel appearing for the petitioner, the learned Government Pleader for Prohibition and Excise appearing for the respondents 1 & 2, and of the learned Government Pleader for Home appearing for the 3rd respondent. I have perused the material record.

3. 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.

4. 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 the 2nd respondent to release the vehicle - Mahindra Bolero Truck jeep

bearing Registration No.TS-26-T-1709 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.



JUSTICE M. SEETHARAMA MURTI

Date: 20th December, 2017

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