

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4392 OF 2018

DATED :12.02.2018

Between :

G.Venu Prasad S/o.Satyanarayana,
Aged about 44 yrs, Occu : Business,
Prop.Sudarshana Kirana shop,
R/o.Pedda Bazar, Kothagudem,
Bhadradi Kothagudem District.

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue (Excise) Department,
Secretariat, Hyderabad & others.

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4392 OF 2018

ORDER :

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking to declare the action of the 2nd respondent in not releasing the petitioner's stock of 17,805 Kgs of white jaggery, seized in C.O.R.No.12 of 2018, on the file of the Station House Officer, Kothagudem Prohibition and Excise, Bhadradri Kothagudem District (3rd respondent), in spite of the readiness of the petitioner to furnish third party surety as illegal, arbitrary and unjust and consequently direct the 2nd respondent to issue orders for release of the above said stock.

2. I have heard the submissions of Sri *K.Laxmaiah*, learned counsel 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 on record.

3. Learned counsel for the petitioner would submit that in matters with identical facts, this Court is directing to release the stock subject to conditions and prayed for releasing the stock on the same lines and with the same terms. He placed reliance on decision of this Court, dated 18.09.2017, in W.P.No.31682 of 2017. He submits that the value of the subject Jaggery is Rs.1,78,000/-. He further submits that the reasonable amount for which the Fixed Deposit Receipt may be directed to be furnished would be Rs.50,000/- in the facts and circumstances of the case.

4. However, learned Government Pleader for Prohibition and Excise, appearing for the respondents 1 & 2, having placed reliance on a decision, dated 28.06.2017, of this Court in a similar matter in W.P.No.21004 of 2017, submitted that in view of the large quantity involved, the petitioner may be directed to furnish a Fixed Deposit Receipt in favour of the 2nd respondent instead of directing him to furnish a personal bond or immovable property security. He further submits that the value of the Jaggery would be more than Rs.2,00,000/-.

5. Having regard to the facts and submissions, the Writ Petition is disposed of directing the petitioner to make appropriate application before the Deputy Commissioner of Prohibition and Excise, Khammam (2nd respondent) enclosing thereto a Fixed Deposit Receipt for Rs.1,25,000/- (Rupees One lakh twenty five thousand only) drawn in favour of the 2nd respondent on any nationalised bank; and, on such application being made by the petitioner, interim custody of the subject stock, afore-stated, shall be given to petitioner. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

12th February, 2018
Rds

P.NAVEEN RAO,J