

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.23983 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking 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 releasing the petitioner's Passion Pro Two Wheeler Motor Cycle bearing Regn.No.AP-21-BK-1071 seized in Cr.No.13/2018 on the file of the 3rd respondent inspite of the petitioner's readiness to furnish the third party surety, as being illegal, arbitrary and unjust, and consequently direct the 2nd respondent to issue necessary orders for release the above said vehicle, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

At the hearing learned Counsel for the petitioner would submit that in view of the similarity of the facts, this Writ Petition may be disposed of in terms of the interim order, dated 07.11.2017, in W.P.M.P.No.46275 of 2017 in W.P.No.37246 of 2017. A copy of the interim order in the said Miscellaneous Petition and the copies of the bills are filed along with the material papers.

Learned Government Pleader appearing for the respondents endorses the said submission.

Accordingly, there shall be a direction to the second respondent to release the petitioner's vehicle viz., Passion Pro Two Wheeler Motor Cycle bearing Regn.No.AP-21-BK-1071, subject to

condition of the petitioner depositing Rs.10,000/- (Rupees ten thousand only) in favour of the second respondent by way of a Fixed Deposit from any Nationalised Bank. It is made clear that the FDR aforestated shall be subject to the final orders in the proceedings initiated in Cr.No.13/2018 on the file of Pattikonda Prohibition & Excise Station, Kurnool District.

The Writ Petition is disposed of accordingly. Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed. No order as to costs.

Date :12.07.2018
Smr

JUSTICE A.V.SESHA SAI

