

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.34133 of 2018

ORDER:

Earlier, against an Order passed by the Deputy Commissioner of Prohibition and Excise, Mahaboobnagar Division vide Cr.No.B2/652/2015, dated 09.07.2018, rejecting the application of the petitioner herein for release of the black-jaggery, W.P.No.25292 of 2018 came to be filed before this Court by the petitioner. This Court allowed the said Writ Petition by way of an Order, dated 06.08.2018, on the ground that no reasons were assigned by the Deputy Commissioner while passing the said Order. This Court, by way of the said Order, remanded the said matter to the Deputy Commissioner while setting aside the Order, dated 09.07.2018. Now, after the remand, the Deputy Commissioner, once again, passed the impugned Order rejecting the application of the petitioner herein, while coming to the conclusion that the seized contraband is solely used for manufacture of illicit distilled liquor, which is a prohibited item.

According to the learned Counsel for the petitioner, the impugned Order is highly illegal and arbitrary and is completely bereft of any reasons, much less, valid reasons, and is contrary to the Orders passed by this Court in W.P.No.25292 of 2018.

On the other hand, it is submitted by the learned Government Pleader that confiscation proceedings initiated against the petitioner herein are pending before the Deputy Commissioner

of Prohibition and Excise and the same will be completed, as expeditiously as possible.

Having heard the learned Counsel for the petitioner and the learned Government Pleader, this Court deems it appropriate to dispose of the Writ Petition, with a direction to the Deputy Commissioner of Prohibition and Excise to complete the confiscation proceedings and pass final Orders, strictly in accordance with law, within a period of three weeks from the date of receipt of a copy of this Order. It is also made clear that in the event of non-completion of the confiscation proceedings, as stated supra, the contraband seized shall be released in favour of the petitioner subject to furnishing the bank guarantee.

Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

08th October, 2018
smr

A.V.Sesha Sai, J