

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.22029 OF 1999

ORDER:

This writ petition is filed by the owner of the vehicle i.e., Jeep bearing No.AAY 3381, which was confiscated on an allegation of illegal transportation of the liquor in violation of A.P.Excise Act, by order dated 27.12.1997 passed by the second respondent vide Proceedings in Cr.No.B5/3413/96, dated 27.12.1997. An appeal has been preferred before the first respondent vide proceedings in Cr.No.2976/DPE/98/B2 and the same was disposed of on 29.04.1999 confirming the orders of the second respondent, in confiscating the vehicle.

On a careful perusal of the orders of the second respondent/ Deputy Commissioner of Prohibition and Excise, and the order of the appellate authority, i.e., the first respondent/Commissioner of Prohibition and Excise, Hyderabad, this Court feels that the respondents 1 and 2 have not given any cogent and convincing reasons in their orders in confiscating the vehicle of the petitioner. Further, it appears that reasonable opportunity has not been accorded to the petitioner herein. Hence, the order, dated 27.12.1997 passed by the second respondent and the order, dated 29.04.1999, passed by the first respondent are liable to be set aside and are accordingly set aside.

The writ petition is accordingly allowed. Consequently, miscellaneous petitions, pending if any, in the writ petition, shall stand closed.

10.11.2017
pln

T.AMARNATH GOUD, J