

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.43308 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the seizure of respondent No.2 in not releasing the Honda Shine Motor Cycle bearing No.AP05 EQ 1438, seized in Crime No.22 of 2018, dated 17.06.2018, inspite of readiness of the petitioner to furnish the third party surety, as illegal and arbitrary.

2) The learned Government Pleader for Prohibition and Excise, on instructions, states that the vehicle is now deposited with the Deputy Commissioner of Excise concerned and that the petitioner has to make an application before the concerned authority seeking release of the vehicle.

3) Having regard to the above, the present writ petition is disposed of directing the petitioner to make an application before the Deputy Commissioner of Excise concerned, seeking release of the above vehicle, enclosing thereto a fixed deposit of Bank guarantee for the value of Rs.20,000/- (rupees twenty thousand only), and on such an application being made, the interim custody of vehicle shall be handed over to the petitioner. It is needless to mention that the petitioner shall not alienate, encumber or alter the physical features of the

vehicle, till the proceedings are completed. There shall be no order as to costs.

4) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

03.12.2018
vhb

