

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 43959 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the second respondent in not passing orders directing the third respondent to release the petitioner's vehicle Mahindra Bolero Maxi Truck Plus bearing Registration No. TS-26-T-2010 seized in C.O.R.No.130 of 2018, in spite of petitioner's readiness to furnish the third party surety, as illegal and arbitrary.

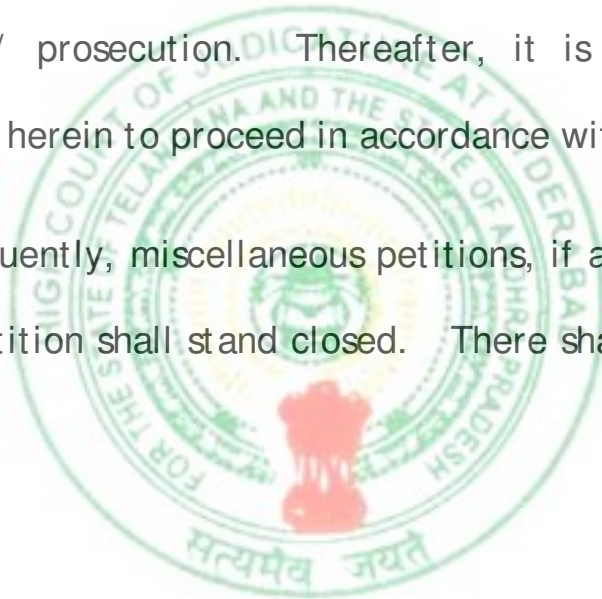
2) The Government Pleader for Prohibition and Excise, on instructions, states that the vehicle is now deposited with the Deputy Commissioner of Prohibition and Excise, Khammam.

3) It is to be noted that the confiscation proceedings are pending before the second respondent. Having regard to the facts and circumstances and in view of the fact that the proceedings are pending before the second respondent and since the vehicle is kept idle and if exposed to sun and rain, the same is likely to be damaged, this Court is of the view that it would be just and proper to direct the authority to release the vehicle on certain conditions.

4) Accordingly, the writ petition is disposed of directing the second respondent to release the vehicle bearing No. TS-26-T-

2010, which is in his custody, on a condition of the petitioner furnishing a fixed deposit issued by a Nationalised Bank for Rs.75,000/- (Rupees seventy five thousand only) in favour of the second respondent. The petitioner shall also give an undertaking that he will not alienate the vehicle, will not create any third party rights, will not remove major parts of the vehicle and that the vehicle will be produced as and when required during the course of proceedings. It is also made clear that this order holds good, till the conclusion of the proceedings/ prosecution. Thereafter, it is open for the respondents herein to proceed in accordance with law.

5) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.



JUSTICE C. PRAVEEN KUMAR

06.12.2018
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