

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42643 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner assailing the action of the 2nd respondent in not releasing the stocks i.e., 50 bags of Black Jaggery each containing 50 Kgs. (total 2,500 Kgs.) seized in P.R.No.112 of 2017, on the file of the Station House Officer, Pidiguralla Prohibition and Excise Station, Guntur District (3rd respondent).

2. I have heard the submissions of Sri *K.Laxmaiah*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Prohibition and Excise appearing for the respondents 1 to 3. I have perused the material record.

3. Learned counsel for the petitioner submits as follows: 'The petitioner is an agriculturist. He purchased the Black Jaggery for agricultural use. Black Jaggery will be used by the ryots and owners of cattle as cattle feed. The said Black Jaggery was seized and was produced before the 2nd respondent, who is the competent authority under the provisions of the Andhra Pradesh Excise Act, 1968 (for short, 'the Act'). Black Jaggery is not an excisable article as per the provisions of the Act and Government Orders. Hence, the petitioner is entitled to release of the Jaggery seized. This Court is passing orders releasing Black Jaggery in cases with identical facts. Therefore, similar orders as were being granted may also be granted to the petitioner. The value of the Jaggery would be approximately Rs.25,000/-.'

4. Learned Government Pleader appearing for respondents 1 to 3 would submit that since the seizure of the Black Jaggery is reported to the second respondent, the Deputy Commissioner of Prohibition and Excise, he is competent to pass appropriate orders. The petitioner has to approach the said competent authority for release of the Jaggery. Learned Government Pleader would also submit that the value of the Jaggery seized would be more than a lakh of rupees.

5. I have given earnest consideration to the facts and submissions.

6. Having regard to the facts and submissions, the 2nd respondent is directed to release the stocks of the petitioner i.e., 2,500 Kgs. of Black Jaggery (50 bags each containing 50 kgs.) seized in the afore-stated crime, on condition of the petitioner executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with one surety in a likesum to the satisfaction of the said authority. However, this order shall not preclude the authorities concerned from further proceeding in the matter, in accordance with procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

Date: 4th January, 2018

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Note: Issue C.C. on 11.01.2018.

(B/o.)

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193

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