

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 46530 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 2nd respondent in not directing the 3rd respondent to release the Ashok Leyland Dost vehicle bearing Reg.No. TS-04-UA-7444 seized in Cr.No. 188 of 2018, in spite of petitioner's readiness to furnish the third party surety, as illegal and arbitrary.

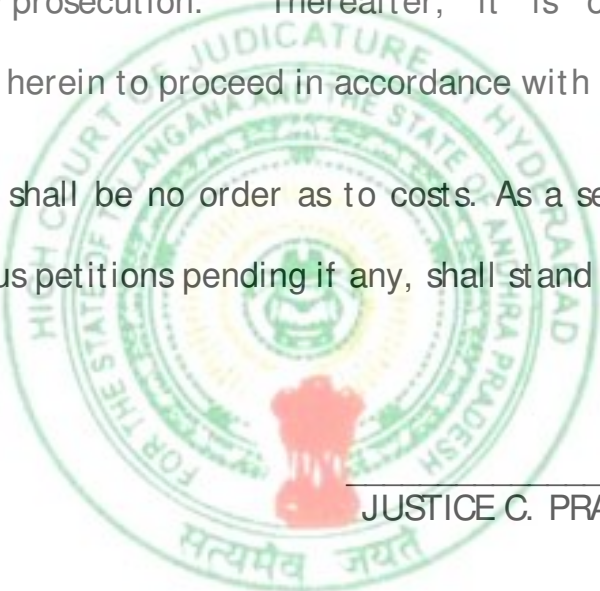
2. The Government Pleader for Prohibition and Excise, on instructions, states that the vehicle is now deposited with the Deputy Commissioner of Prohibition and Excise, Warangal.

3. It is to be noted that the confiscation proceedings are pending before the 2nd respondent. Having regard to the facts and circumstances and in view of the fact that the proceedings are pending before the 2nd 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 2nd respondent to release the vehicle bearing Reg.No. TS-04-UA-

7444, which is in his custody, on a condition that the petitioner furnishing a fixed deposit issued by a Nationalised Bank for Rs.50,000/- in favour of the 2nd 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. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending if any, shall stand closed.



JUSTICE C. PRAVEEN KUMAR

26.12.2018
DMG