

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 46575 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise.

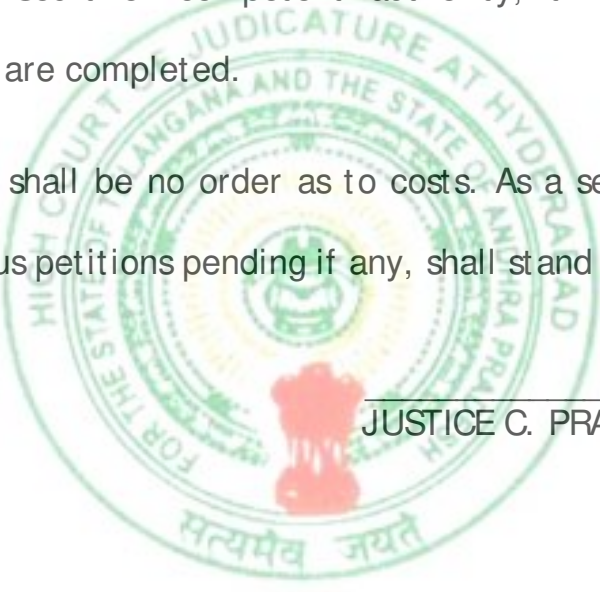
2. The present Writ Petition came to be filed declaring the action of respondent No.2 in not passing orders directing respondent No.3 to release the petitioner's Splender Motor Cycle bearing No.TS 25 A 8458, seized in C.O.R.No.125 of 2018, as illegal and arbitrary.

3. When in matter is taken up for hearing, it is brought to the notice of this Court that the issue involved in this Writ Petition is squarely covered by the order dated 20.12.2017, passed in W.P.No.42679 of 2017. A copy of the order of this Court in the said Writ Petition is placed on record.

4. In view of the above and the earlier orders passed by this Court in W.P.No.42679 of 2017 and for the reasons alike, this Writ Petition is disposed of directing the petitioner to make an application before the second respondent - Deputy Commissioner of Prohibition and Excise, seeking release of the vehicle bearing No. TS 25 A 8458, enclosing thereto a fixed deposit receipt for the value of Rs.10,000/- (rupees ten

thousand only) from any nationalized bank, and on such an application being made, if it is the first offence in which the vehicle is involved, the interim custody of vehicle shall be handed over to the petitioner, on production of original R.C.Book and on petitioner further giving an undertaking that he shall not transfer or alienate the vehicle to third party in any manner, shall not encumber or alter the physical features of the vehicle and would produce the same as and when directed before any Court or competent authority, till the criminal proceedings are completed.

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