

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.938 of 2019

ORDER

This writ petition is filed seeking to declare the action of the 2nd respondent in not passing the order directing the 3rd respondent to release the seized vehicle i.e., Maruthi Swift Dizire Car bearing Reg.No.TS-03-EG-5508 in C.O.R.No.209 of 2018, in spite of readiness of the petitioner to furnish the third party surety, as illegal and arbitrary.

2. The vehicle of the petitioner was seized on the ground that he was transporting white jaggery in violation of the conditions. The particulars of property seized are mentioned in Col.No.7 of the crime and occurrence report. They are, Swift Dizire bearing No.TS-03-EG-5508 with 12 lts of I.D. liquor, 60 kgs of jaggery and 50 Kgs of alum, and Ashok Leyland van No.AP 36-EB-0378 with 24 ltrs of I.D.liquor, 480 Kgs of jaggery, 4920 Kgs of alum and 6 cell phones.

3. Though the learned counsel for the petitioner has placed on record the similar order passed by this Court in W.P.No.3 of 2019 dated 03.01.2019, I am not inclined to pass such similar order in view of large quantity of the contraband seized. *Prima face*, there is material on record that the petitioner alleged to have indulged in excise offences. However, as there is remedy available under Section 34 of the Telangana Excise Act, the petitioner is at liberty to make application before the 2nd respondent-Deputy Commissioner, Prohibition and Excise. On receipt of the said application, the 2nd

respondent may consider release of the vehicle specifying the security deposit and other requirements.

4. With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

23rd January, 2019

sj