

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.1039 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., Mahendra Truk Jeep bearing Reg. No.AP-29-V-2501 in C.O.R.No.248 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, Mahendra Bolera No.AP-29-V-2501 along with 640 Kgs of jaggery, 40 Kgs of alum and 10 Kgs of ID liquor.

3. Though the learned counsel for the petitioner has placed on record the similar order passed by this Court in W.P.No.72 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