

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.3474 of 2019

ORDER

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

2. This writ petition is filed seeking to declare the action of the respondents in not releasing the vehicle Maruti 800 Car bearing registration No.AP-09-AR-5482, as illegal and arbitrary.

3. The petitioner asserts that the above said vehicle was seized by the third respondent alleging transportation of liquor.

4. Learned Government Pleader submits that the vehicle is now deposited with the second respondent – Deputy Commissioner of Prohibition and Excise.

5. Having considered the submissions made by learned counsel for the petitioner and learned Government Pleader, the writ petition is disposed of directing the petitioner to make an application before the second respondent - Deputy Commissioner, Prohibition & Excise, Ranga Reddy District, seeking release of the subject vehicle enclosing thereto a fixed deposit receipt for the value of Rs.1,00,000/- (Rupees one lakh only) from any nationalised bank and on such application being made, if it is the first offence, in which the subject vehicle is involved, the interim custody of the same shall be handed over to the petitioner, on production of original R.C Book and on the petitioner further giving an undertaking that she shall not transfer or alienate the subject vehicle to the third party in any

manner, and shall not encumber or alter the physical features of the vehicle and she would produce the same as and when directed before any Court or competent authority, till the criminal proceedings are completed. Such release shall be subject to the orders that may be passed under Section 34 of the A.P. Excise Act.

6. 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

20th February, 2019

vhb

