

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3825 of 2019

ORDER:

Petitioner asserts that he is the owner of Motor Cycle Yamaha FZ BS111 bearing T.S.No.02 EF5014; that respondent No. 2 – Station House Officer, Huzurabad Police Station seized the said vehicle on the ground that there is a violation of the provisions of the Telangana Excise Act (for short, 'the Act'); that in spite of his approaching, respondent No.2 is not releasing the subject vehicle; that he made an application before the learned I Additional Judicial Magistrate of First Class, Huzurabad in Crime No. 426 of 2018 (P.S. Huzurabad) for release of the subject vehicle and that no orders have been passed till date. In the circumstances, he approached this Court by way of filing this Writ Petition.

Learned Government Pleader for Home submits that without there being any permit and licence, there is a transportation of 8 Rhizome Special Whisky full bottles worth Rs.5,500/- in the subject vehicle. He further submits that a case has already been registered and the matter requires further investigation and enquiry. He also submits that in terms of Section 34 of the Act, the Deputy Commissioner of Excise is the authorised Officer to adjudicate upon the matter, as such, the petitioner may approach the said authority seeking release of the subject vehicle.

In those circumstances, the Writ Petition is disposed of giving liberty to the petitioner to approach the Deputy Commissioner of Excise under Section 34 of the Act and seek interim custody of the subject vehicle, pending adjudication of the main case. As and when such application is made, the Deputy Commissioner shall consider the same as early as possible as keeping vehicle idle would not enure to the benefit of anyone as held by the Hon'ble Supreme Court in a catena of judgments.

The miscellaneous Applications, if any pending in this Writ Petition shall also stand disposed of. No costs.

CHALLA KODANDA RAM, J

Dt:25.02.2019

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