

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.27354 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, the petitioners herein prays that this Honourable Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in seizing the vehicle bearing No.AP 01Y 8923 as illegal, arbitrary and consequently direct the respondents 2 and 3 to release the vehicle bearing No.AP 01Y 8923 of the petitioner; and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri P.Ravi Shanker, learned counsel appearing for the petitioner, learned Government Pleader for Prohibition and Excise appearing for respondents 1 & 2 and learned Government Pleader for Home appearing for the 3rd respondent. Perused the material available on record.

3. The case of the petitioner is that the petitioner is the owner of the vehicle bearing No.AP 01Y 8923 i.e., Mahendra Bollero Goods (LMV). On 10.10.2019, the petitioner's vehicle was seized in Crime No.93 of 2019 by the 3rd respondent on the ground that it is carrying IMFL Liquor without bills. The 3rd respondent has completed the entire investigation except filing of charge sheet and all the accused were arrested and were released on bail and the vehicle was kept in the premises of the 3rd respondent police station. The petitioner submitted a representation, dated

21.11.2019, to the 3rd respondent to release his vehicle and further submitted a representation, dated 29.11.2019, to the 2nd respondent, but till now no action has been taken by the respondents. Hence, the present writ petition is filed.

4. Learned counsel for the petitioner submits that if the vehicle is exposed to sun and rain and is kept idle, it would be damaged. He further submits that the petitioner is ready and willing to furnish security for release of the vehicle and also produce the vehicle as and when required by the concerned Magistrate.

5. Learned Government Pleader also submitted that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

6. Accordingly, the Writ Petition is disposed of directing the respondents to release the vehicle of the petitioner pending enquiry on the following conditions:

- a) on production of documents regarding his ownership;
- b) on furnishing bank guarantee for an amount of Rs.2,80,000/- (Rupees two lakhs eighty thousand only), which is the value of the seized vehicle;
- c) on production of an undertaking to the effect that he will produce the vehicle as and when required and also that he will not alienate the vehicle or alter its nature or create any encumbrance over it pending enquiry;

- d) It is also made clear that if the petitioner do not present the vehicle before the authorities concerned as and when required, the respondents shall be at liberty to initiate appropriate action in accordance with law;

There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

T. AMARNATH GOUD, J

Date: 10th December, 2019

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