THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.P.No.27480 OF 2019

JUDGMENT:

This writ petition is filed seeking to declare the action of the 2nd respondent, Deputy Commissioner of Prohibition and Excise, in not passing orders directing the 3rd respondent, Station House Officer, to release the stocks i.e. 300 bags of black jaggery each containing 50 Kgs., seized in C.O.R.No.475/2019 in spite of the readiness of the petitioner to furnish the third party surety, as illegal and arbitrary and consequently to direct the 2nd respondent to order for release of the stocks to the petitioner.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents and perused the material placed on record.

Learned counsel for the petitioner would submit that in matters with identical facts, this Court is directing to release the stock subject to conditions and prayed for releasing the stock on the same lines and with the same terms. He placed reliance on decision of this Court dated 12.02.2018 passed in W.P. No.4392 of 2018. He further submits that the reasonable amount for which the fixed deposit receipt may be directed to be furnished in the facts and circumstances of the case.

However, learned Government Pleader for Prohibition and Excise, appearing for the respondents, having placed reliance on a decision, dated 28.06.2017, of this Court in a similar matter in W.P. No.21004 of 2017, submitted that in view of the large quantity involved, the petitioner may be directed to furnish a fixed deposit receipt in favour of the 2nd respondent instead of directing him to furnish a personal bond or immovable property security.

Having regard to the facts and circumstances of the case and the submissions made by the learned counsel on either side, pending enquiry, this writ petition is disposed of directing the petitioner to make appropriate application before the 2nd respondent, Deputy Commissioner of Prohibition and Excise, Warangal, enclosing thereto a fixed deposit receipt worth of Rs.3,00,000/- (rupees three lakhs only), towards notional value of the subject stock, drawn in favour of the 2nd respondent on any nationalized bank; and, on such application being made by the petitioner, interim custody of the subject stock, afore-stated, shall be given to the petitioner.

Miscellaneous applications pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 11.12.2019
LSK