

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.47037 of 2018

ORDER:

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

2. The present writ petition came to be filed declaring the action of the second respondent in not passing orders directing the third respondent to release the petitioner's vehicle i.e., Mahindra XUV 500 bearing No.AP 29-CB-0234 seized in F.I.R.No.468 of 2018 as illegal and arbitrary.

3. When the matter is taken up for hearing, it is brought to the notice of this Court that the issue involved in this Writ Petition is squarely covered by the order dated 26.12.2017, passed in W.P.No.44088 of 2017.

4. In view of the above and the earlier orders passed by this Court in W.P.No.44088 of 2017 and for the reasons alike, this Writ Petition is disposed of directing the petitioner to make an application before the second respondent - Deputy Commissioner of Prohibition and Excise, seeking release of the vehicle bearing No.AP 29-CB-0234, enclosing thereto a fixed deposit receipt for the value of Rs.75,000/- (rupees seventy five thousand only) from any Nationalized Bank, and on such application being made, the interim custody of vehicle shall be handed over to the petitioner on production of original R.C.Book and on petitioner further giving an undertaking that he shall not transfer or alienate the vehicle to third party in any manner, shall not encumber or alter the physical features of the vehicle and would produce the same

as and when directed before any Court or competent authority, till the criminal proceedings are completed.

5. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending if any, shall stand closed.

CHALLA KODANDA RAM, J

3rd January, 2019
sj