

**HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

**MONDAY, THE EIGHTEENTH DAY OF MAY
TWO THOUSAND AND TWENTY**

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6863 OF 2020

Between:

Sinde Kailash, S/o. Sinde Laxman, Aged about 38 years, Occ. Private employee,
R/o. H.No.1-59, Wadagalpur K, Salwada(Khurd), Adilabad

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary (Prohibition & Excise)
Secretariat Buildings, Hyderabad.
2. The Deputy Commissioner of Prohibition & Excise, Nizamabad Division at
Nizamabad.
3. The Station House Officer, Bodhan Rural Police Station at Nizamabad District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more in the nature of Mandamus, declaring the inaction of the respondents in releasing the petitioner's vehicle i.e., Ertiga Car bearing Registration Number TS 16EY 0729 which is seized in relating to Crime No. 44 of 2020 by the respondent No.3, inspite of the readiness to furnish third party surety, as being illegal, arbitrary and unjust and consequently direct the respondents to release the petitioner's vehicle i.e., Ertiga Car bearing Registration Number TS 16EY 0729, which is seized in relating to Crime No. 44 of 2020 by the respondent No.3.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to release the petitioner's vehicle i.e., Ertiga Car bearing Registration Number TS 16EY 0729, which is seized in relating to Crime No. 44 of 2020 by the respondent No.3, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI KATIKA RAVINDER REDDY

Counsel for the Respondents: GP FOR PROHIBITION EXCISE

The Court made the following:

ORDER:

Heard learned counsel for the petitioner, and the learned G.P. for Prohibition and Excise.

It is the case of the petitioner that he entrusted his vehicle Ertiga Car bearing No.TS 16 EY 0729 in good faith to his friend Bagula Prem Sagar on his request on 29.04.2020, however, the petitioner came to know that his vehicle was seized by the respondent authorities for illicit transport of liquor.

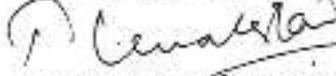
Learned counsel for the petitioner submits that the petitioner was not aware that his vehicle was used for illicit transport of liquor, and a case was registered in Crime No.44 of 2020 for the offences under Section 188 IPC, and Section 34(A) of TSEA Act, against Bagula Prem Sagar. Learned counsel submits that in similar circumstances in W.P.No.6606 of 2020, this Court passed orders directing the authorities to release the seized vehicle on certain conditions and same orders may be passed in this writ petition as well.

Having considered the respective submissions, the respondents are directed to release the Ertiga Vehicle bearing registration No. TS 16 EY 0729 to the petitioner subject to the condition of the petitioner depositing Rs.50,000/- (Rupees Fifty thousand only) with the 2nd respondent, either by Fixed Deposit Receipt (FDR) or in Cash, the 3rd respondent shall release the vehicle in favour of the petitioner. The petitioner shall also furnish an undertaking that he shall not alienate or change the physical features of the vehicle. The 2nd respondent shall also write to the RTA authority to not transfer the vehicle on any third parties name without clearance from the Excise Department. The release of vehicle is in view of the peculiar situation existing on account of COVID-19, and the release shall be subject to the orders that shall be passed by the respondent authorities pursuant to the enquiry to be conducted under the provisions of Excise Act.

Accordingly, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

Sd/- THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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REGISTRAR (JUDICIAL)

19/5


SECTION OFFICER

To,

1. The Principal Secretary (Prohibition & Excise), State of Telangana, Secretariat Buildings, Hyderabad.
2. The Deputy Commissioner of Prohibition & Excise, Nizamabad Division at Nizamabad.
3. The Station House Officer, Bodhan Rural Police Station at Nizamabad District.
4. One CC to Sri. Katika Ravinder Reddy, Advocate [OPUC]
5. Two CCs to GP for Prohibition & Excise, High Court for the State of Telangana. [OUT]
6. Two CD Copies

Prk

HIGH COURT

CKRJ

DATED:18/05/2020

ORDER

WP. No. 6863 of 2020



Disposing of the WP.
without costs.