

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.3225 OF 2021

ORDER:

This Writ Petition is filed to declare the action of the 2nd respondent in not releasing the vehicle ASHOK LEYLAND DOST RLE (BSIV) bearing No.AP-39-T-0014, belonging to the petitioner seized in connection with C.O.R.No.411 of 2020 on the file of the 3rd respondent registered for the offences punishable under Section 7(A) read with 8(e) of A.P. Prohibition Act, 1995 and under Section 34(e) of the AP Excise Act, 1968.

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

3. The case of the petitioner is that he is the registered owner of the ASHOK LEYLAND DOST RLE (BSIV) bearing No.AP-39-T-0014 and it is made in 2018 and the vehicle is very essential for eaking out his livelihood. He further states that the 3rd respondent seized the vehicle on the ground that the petitioner used the said vehicle for transporting 10 litres of ID liquor in a plastic can and 1900 kgs, of Black Jaggery in 38 bags each containing 50 kgs., and 200 Kgs of Alum in 4 bags each containing 50 Kgs.

4. Learned counsel for the petitioner would submit that the vehicle in dispute is a Goods Carriage-Light Motor Vehicle. In proof of the same, he has filed a copy of the registration certificate. By referring the same, learned counsel for the petitioner submits that an amount of Rs.10,000/- could be the

reasonable amount towards security deposit for releasing of the vehicle.

5. Considering the fact that the petitioner is using the subject vehicle for eking out his livelihood, the vehicle can be released subject to further proceedings under the Act, on certain terms.

6. The Writ Petition is accordingly, disposed of directing the respondents to release the ASHOK LEYLAND DOST RLE (BSIV) bearing No.AP-39-T-0014 subject to the condition of the petitioner furnishing Fixed Deposit Receipt (FDR) for Rs.50,000/- (Rupees fifty thousand only) in favour of the 2nd respondent. The petitioner shall also furnish an undertaking that he will not alienate or change the physical features of the vehicle. The 2nd respondent shall write to the RTA authority not to transfer the said vehicle in favour of any third party without clearance from the Excise Department. Needless to say, release of the said vehicle is subject to the orders that shall be passed by the 2nd respondent authority pursuant to the enquiry to be conducted under the provisions of the Excise Act.

7. Subject to the above, the Writ Petition is disposed of. No order as to costs. Pending Miscellaneous Petitions, if any, shall also stand closed in the light of this final order.

K. LAKSHMAN, J

Date: 11.02.2021
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