

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.17013 OF 2021

ORDER:

1. Heard. With the consent of learned counsel for the petitioner and learned Government Pleader for Civil Supplies, the writ petition is disposed of at the admission stage.

2. Aggrieved by the action of the respondents in seizing the vehicle lorry bearing No.AP13W 8150 and DCM bearing No.TS12UD 0675 in connection with Crime No.413 of 2021 of Hayathnagar Police Station on the ground that the vehicles were used for illegal transportation of PDS rice, the present writ petition is filed.

3. As fairly submitted by learned Counsel for petitioner and learned Government Pleader, enquiry under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') and prosecution in the crime is yet to commence.

4. Enquiry under Section 6-A of the Act and investigation/prosecution into the crime registered against petitioner may take considerable time. Meanwhile, as the vehicles are kept in the open yard exposed to sun and other weather conditions and kept idle, road worthiness of the vehicles may be severely affected. At the same time, as the vehicles are involved in a crime and violated statutory regulations, it can not be handed over to the owners even before proceedings are concluded. Such course may bolster the offender to commit further offences and is not in public interest. In the circumstances, the Court has to balance respective claims and take due note of public interest. In the given facts, Court is inclined to opt a middle path.

5. In view of the same and having regard to the facts and circumstances of the case, without expressing any opinion on merits, the writ petition is disposed of directing the 4th respondent Station House Officer, Hayathnagar Police Station, to release the vehicles in issue, subject to following conditions :

- (a) The petitioners shall furnish bank guarantee to the value of the vehicles as assessed by concerned Motor Vehicle Inspector;
- (b) they shall furnish an undertaking in writing that he will not alienate or change the physical features of the vehicle;
- (c) they shall produce the vehicle whenever required;
- (d) they shall furnish the copies of R.C. Book of the vehicle and driving licence of the driver;
- (e) the 4th respondent-Station House Officer shall write to the RTA authorities not to entertain any application to transfer the vehicles in question on any third party's name without clearance from the Civil Supplies Department;
- (f) the release of vehicles shall be subject to the orders to be passed in the enquiry under Section 6-A of the Act/prosecution of Crime No.413 of 2021.

Pending miscellaneous petitions, if any, shall stand closed.

T. AMARNATH GOUD, J.

Date: 26-07-2021.

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