

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.26337 of 2021

ORDER:

This writ petition is filed to declare the action of the 2nd respondent in not directing the 3rd respondent to release the Ashok Leyland DOST RLS Goods carriage vehicle bearing No. AP 39 TP 3679 belonging to the petitioner seized in connection with F.I.R.No.139 of 2021 of Mattampalli Police Station, Suryapet District, for the offences under Section 34(e) of the Telangana Excise Act, 1968, and Section 8(b) of the Telangana Prohibition Act, 1995, as illegal and arbitrary.

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 owner of the Ashok Leyland DOST RLS Goods carriage vehicle bearing No.AP 39 TP 3679, which was purchased by availing financial assistance from Shriram Transport Finance Company Limited and eking out his livelihood from out of the income derived from it by engaging a driver to ply the vehicle. He further states that on 03.08.2021 the vehicle was engaged for transportation of jaggery on payment of hire charges; the 3rd respondent stopped and checked the vehicle and registered the above said crime only on the pretext that the said jaggery is used for manufacturing of I.D. Liquor.

4. Learned counsel for the petitioner would submit that the subject vehicle is of the year 2020 make and it is Ashok Leyland Dost. In

proof of the same, he had filed copy of the registration certificate. By referring the same, learned counsel for the petitioner would submit that an amount of Rs.75,000/- 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 RLS Goods carriage vehicle bearing No.AP 39 TP 3679 subject to the condition of the petitioner furnishing Fixed Deposit Receipt (FDR) for Rs.75,000/- (Rupees seventy 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 could be passed by the 2nd respondent authority pursuant to the enquiry to be conducted under the provisions of the Excise Act.

Miscellaneous petitions, pending if any, shall stand closed. No order as to costs.

K. LAKSHMAN, J

Date : 25.10.2021

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