

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.28540 of 2021

ORDER:

This writ petition is filed to declare the action of the respondent authorities in not releasing the petitioner's vehicle (Motor Cycle) Hero Honda Passion bearing Registration No.AP-20-P-1094 in connection with Crime No.88 of 2021 for the offence under Section 7(A) read with 8(e) of A.P. Prohibition Act, 1995 as illegal, arbitrary and for a consequential direction to release the same.

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 vehicle (Motor Cycle) Hero Honda Passion bearing Registration No.AP-20-P-1094, which was purchased by availing financial assistance from private financier and eking out his livelihood from out of the income derived from it. He further states that on 19.08.2021, the 3rd respondent seized his vehicle falsely and registered a case vide Crime No.94 of 2021 for the offence under Section 7(A) read with 8(e) of A.P. Prohibition Act, on the pretext that vehicle is being used for transportation I.D. Liquor.

4. Learned counsel for the petitioner would submit that the subject vehicle is of the year 2006 make and it is a motor cycle. 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.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 vehicle (Motor Cycle) Hero Honda Passion bearing Registration No.AP-20-P-1094 subject to the condition of the petitioner furnishing Fixed Deposit Receipt (FDR) for Rs.10,000/- (Rupees ten 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 : 12.11.2021
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