

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION No.9289 OF 2021

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor for Home. Perused the record.

2. This criminal petition is filed under Section 482 Cr.P.C. to direct the second respondent to release petitioner's two wheeler i.e., Honda Activa bearing No.TS-26-A-3546, involve in COR.No.147 of 2021, on the file Prohibition & Excise Station, Mahbubabad inspite of his readiness to furnish third party surety.

3. The case of the petitioner is that he is the registered owner of the vehicle i.e., two wheeler bearing registration No.TS-26-A-3546 and the said vehicle is being used for his day to day activities. He further submits that the third respondent seized the vehicle on the ground that he is using the said vehicle for transportation of I.D.Liquor, black jiggery illegally.

4. Learned counsel for the petitioner would submit that the vehicle in dispute is of the year 2017 make. In proof of the same, he has filed copy of certificate of registration. 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 the vehicle.

5. Considering the fact that the petitioner is only using his vehicle for day to day activities, the vehicle can be released

subject to further proceedings under the Excise Act, on certain terms.

6. This Criminal Petition is accordingly disposed of, directing the respondents to release petitioner's vehicle i.e., two wheeler bearing registration No. TS-26-A-35461 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 second respondent shall write to the RTA authority not to transfer the vehicle in favour of any third party without clearance from the Excise Department. Needless to say, release of the vehicle is subject to the orders that shall be passed by the second respondent authority pursuant to the enquiry to be conducted under the provisions of the Excise Act.

Miscellaneous Petitions, if any, pending, shall also stand closed.

Date: 08.12.2021
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K. LAKSHMAN, J