

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION No.2577 OF 2022

ORDER:

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

2. This Criminal Petition is filed under Section 482 Cr.P.C. to direct the respondent Nos.2 and 3 to release petitioner's vehicle i.e., Two Wheeler (Hero Glamour) bearing No.TS-24-C-9029 involved in COR.No.08 of 2022 on the file of Mulugu Prohibition and Excise Station, Warangal District, inspite of his readiness to furnish sureties.

3. The case of the petitioner is that she is the registered owner of vehicle i.e., Two Wheeler (Hero Glamour) bearing No.TS-24-C-9029 and the said vehicle is being used by her for day-to-day activities. He further submits that the 3rd respondent seized the said vehicle on the ground that the said vehicle was found transporting 20 litres of I.D.Liquor illegally.

4. Learned counsel for the petitioner would submit that the vehicle in dispute is of the year 2019 make. In proof of the same, she has filed copy of certificate of registration. The

contraband seized was 20 litres of I.D.Liquor. By referring the same, learned counsel for the petitioner would submit that an amount of Rs.20,000/- could be the reasonable amount towards security deposit for releasing the vehicle.

5. Considering the fact that the petitioner is only using her vehicle for day to day activities, the vehicle can be released subject to further proceedings under the Excise Act, on certain terms.

6. The Criminal Petition is accordingly disposed of directing the respondents to release the petitioner's vehicle i.e., Two Wheeler (Hero Glamour) bearing No.TS-24-C-9029 subject to the condition of the petitioner furnishing Fixed Deposit Receipt (FDR) for Rs.20,000/- (Rupees Twenty thousand only) in favour of the 2nd respondent. The petitioner shall also furnish an undertaking that she 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.

No order as to costs.

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

K. LAKSHMAN, J

Date: 22.03.2022
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