

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.4724 of 2022

ORDER:

This Criminal Petition is filed by the petitioner / owner of the vehicle under Section 482 Cr.P.C., to direct the 2nd respondent to release Two Wheeler (Unicorn BSVI) vehicle bearing registration No.TS-04-FC-6835 involved in COR No.32 of 2022, on the file of the Singareni Prohibition and Excise Station, Khammam District, registered for the offence under Sections 7(A) r/w.8(e) of the Telangana State Prohibition Act, 1995 in spite of his readiness to furnish sureties.

2. Heard the 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 registered owner of the vehicle in dispute i.e., Two Wheeler (Unicorn BSVI) vehicle bearing registration No.TS-04-FC-6835 and the said vehicle is being using for his livelihood and 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 2 liters of I.D. Liquor in 20 polythene covers each cover containing 100 ml., illegally.

4. Learned counsel for the petitioner would submit that the vehicle in dispute was purchased in the year 2020. 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.20,000/- (Rupees Twenty thousands only) could be the reasonable amount towards security deposit for releasing of the said vehicle.

5. Considering the fact that the petitioner is only using his vehicle for his livelihood, the vehicle can be released subject to further proceedings under the Prohibition Act, on certain terms.

6. The Criminal Petition is accordingly, disposed of directing the respondents to release the vehicle in dispute i.e., Two Wheeler (Unicorn BSVI) vehicle bearing registration No.TS-04-FC-6835 subject to the condition of the petitioner furnishing Fixed Deposit Receipt (FDR) for Rs.20,000/- (Rupees Twenty thousands only) in favour of the second 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 Prohibition Act.

Miscellaneous petitions, if any, pending in this Petition, shall stand closed.

K. LAKSHMAN, J

June 08, 2022

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