

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO

**PRESENT
THE HONOURABLE SRI JUSTICE K.LAKSHMAN**

CRIMINAL PETITION NO: 5184 OF 2022

Between:

Srinivasa Raju Kalidindi, S/o. K. Viswanadha Raju, Age 45 years Occ Business
R/o.H.No. 7-2, Kondamadugu (vill) Bibinagar. (owner of vehicle)

**...PETITIONER/OWNER OF VEHICLE,
CIAZ BEARING REGD. NO.TS 05 E 6777**

AND

1. The State of Telangana, represented by Its Principal Secretary, Excise Department, Secretariat Buildings, Hyderabad.
2. The Station House Officer, Kesamudram, Police Station, Mahabubabad District Rep by its Public Prosecutor, High Court for the State of Telangana Hyderabad

...RESPONDENTS

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to pass orders directing the S.H.O., Kesamudram, Mahabubabad to forth with release the Ciaz bearing no. TS 05 EB 6777, (Model. 2014 year now it might worth not more than 2 lakh rupees) seized in FIR No.25 of 2022 on the file Kesamudram, Mahabubabad, Telangana

I.A. NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with filing of the original certified copy of FIR no. 25 of 2021 on the file of P.S. Kesamudram, Mahabubabad, Telangana and also the Panchanama Report, dated 20.12.2021 before this High Court

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P.Kasi Nageswara Rao (M/s. PILLIX LAW FIRM), Advocate for the Petitioner and of the Additional Public Prosecutor (TG) on behalf of the Respondent

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CRIMINAL PETITION No.5184 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 2nd respondent-Station House Officer, Kesamudram, Mahbubabad, to release petitioner's vehicle i.e., Four Wheeler (Ciaz) bearing No.TS-05-EB 6777 involved in FIR.No.25 of 2022 on the file of Kesamudram, Mahbubabad District.

3. The case of the petitioner is that he is the registered owner of vehicle i.e., Four Wheeler (Ciaz) bearing No.TS-05-EB-6777 and the said vehicle is being used by him for day-to-day activities. He further submits that the 3rd respondent seized the subject vehicle on the ground that it was found going along with lorry which was transporting 5 quintals of black jaggery and 10 kgs of Alum illegally.

4. Learned counsel for the petitioner would submit that the vehicle in dispute is of the year 2014 make. In proof of

the same, he has filed copy of certificate of registration. The contraband seized was 5 quintals of black jaggery and 10 kgs of Alum. By referring the same, learned counsel for the petitioner would submit that an amount of Rs.1,50,000/- 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. The Criminal Petition is accordingly disposed of directing the respondents to release the petitioner's vehicle i.e., Four Wheeler (Ciaz) bearing No.TS-05-EB-6777 subject to the condition of the petitioner furnishing Fixed Deposit Receipt (FDR) for Rs.1,50,000/- (Rupees One lakh Fifty 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. No order as to costs.

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

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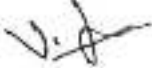
Sd/-T.JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Excise Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Station House Officer, Kesamudram Police Station, Mahabubabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
4. One CC to M/s Pillix Law Firm, Advocate (OPUC)
5. Two CD Copies
6. One Spare Copy

Kj.



HIGH COURT

DATED:20/06/2022



ORDER

CRLP.No.5184 of 2022

DISPOSING OF THE CRL.P.

⑧ VW
17/9/22