

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.42225 OF 2022

ORDER :

This writ petition is filed questioning the action of the respondents in seizing the petitioner's vehicle i.e., Ashok Leyland Dost Vehicle (Goods Carriage LMV) bearing Registration No. AP 39 TF 5595 seized in connection with FIR No.125 of 2022 of Ananthagiri Police Station, Suryapet District.

2. Heard learned counsel for the petitioner, the learned Government Pleaders for Prohibition & Excise appearing on behalf of respondent No.2 and the learned Government Pleader for Home appearing on behalf of respondent Nos.1 and 3.

3. The vehicle in question was seized for committing alleged offence under Section 34(e) of the Telangana Excise Act, 1968.

4. Learned counsel for the petitioner submitted that in similar circumstances relating to allegation of transportation of black jaggery and alum, order dated 27.10.2021 was passed by this Court in W.P.No.26865 of 2021 directing the respondents therein to release the vehicle in question subject to certain conditions. Learned counsel further submitted that in the present crime, except jaggery and alum, no other commodity was found in the subject vehicle.

5. Learned Assistant Government Pleaders have not disputed the above submission of the learned counsel for the petitioner.

6. In view of the above, this writ petition is disposed of directing the 2nd and 3rd respondents to release the vehicle in question i.e, Ashok Leyland Dost Vehicle (Goods Carriage LMV) bearing Registration No.AP 39 TF 5595 to the petitioner subject to the condition of the petitioner furnishing Fixed Deposit Receipt (FDR) for a sum of Rs.50,000/- (Rupees 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 release of the vehicle shall be subject to further orders that may be passed by the 2nd respondent in confiscation proceedings under Section 46 of the Telangana Excise Act.

As a sequel thereto, miscellaneous applications, if any, pending in the writ petition stand closed.

B. VIJAYSEN REDDY, J

Date: 22.11.2022

v v