



W.P.(MD).No.15662 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.15662 of 2023

B.Chandra

... Petitioner

Vs.

1.The Additional Superintendent of Police,
Prohibition and Enforcement Wing,
Karur.

2.The Inspector of Police,
Prohibition and Enforcement Wing,
Karur,
Karur District,
(Crime No.507/2023)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings in Na.Ka.No. 35/K.Koo.K/Ma.A/Karur/2023 dated 23.05.2023 passed by the first respondent and quash the same and consequently directing the respondents to release the petitioner's vehicle namely TATA EICHER 1212 CRX BS-4 bearing Registration No.TN-59-CD-5650 seized on 26.03.2023 in pertaining to the case in Crime No.507/2023 on the file of the second respondent herein and hand over to the petitioner.



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For Petitioner : Mr.B.Chakkaravarthi,
For Mr.C.Ezhilarasu

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader.

ORDER

This Writ Petition is filed to quash the order dated 23.05.2023 and consequently direct the respondents to release the petitioner's vehicle namely TATA EICHER 1212 CRX BS-4 bearing Registration No.TN-59-CD-5650 seized on 26.03.2023 in pertaining to the case in Crime No.507/2023 on the file of the second respondent herein and hand over to the petitioner.

2. The petitioner claims to be the owner of the vehicle bearing Reg.No.TN-59-CD-5650, TATA EICHER 1212 CRX BS-4. He had entrusted the vehicle to his driver one Rajapandi on 26.03.2023 and it appears that on 26.03.2023, while Rajapandi was on the wheels, the vehicle was stopped and during the search, it was found that he was illegally transporting 48 bottles of Brandy each consisting 180 ml and 7 bottles of V.S.O.P. Indian Brandy each consisting of 1000ml. The vehicle inspection was conducted nearby Salem to Karur Bye Pass, Thavittupalayam Check Post. The second respondent had



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registered a case against the said Rajapandi in Crime No.507 of 2023 for the alleged offences under Section 4(1)(a), 4(1-A) on 26.03.2023 and the petitioner's vehicle was seized on the very same day.

3. The petitioner would submit that the confiscating proceeding is pending before the first respondent and Rajapandi is facing criminal action. Since the petitioner was not involved in the crime, he had, vide his representation dated 30.03.2023, requested for the release of the vehicle. However, no action has been taken in this regard and therefore, he has come forward with the above writ petition.

4. The respondents would fairly admit that the preliminary investigation has been completed and the vehicle is yet to be confiscated. It is also admitted that the petitioner is not involved in the said crime.

5. Considering the above, this Court directs the second respondent to release the vehicle bearing Reg.No. TN-59-CD-5650 belonging to the petitioner subject to the following conditions:-



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a) the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) in favour of the first respondent within a period of two (2) weeks from the date of receipt of a copy of this order along with an unconditional undertaking that he shall produce the vehicle as and when required till the completion of the confiscation proceedings;

and

b) the petitioner shall extend all cooperation for the enquiry to be conducted by the respondents;

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

03.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

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