

HIGH COURT FOR THE STATE OF TELANGANA

THURSDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 104 OF 2023

Between:

Vankdoth Jagan, S/o. Hatya, Aged about 35 years, Occ. Coolie, (Owner of The Vehicle TS 26 E 4980) Somla Thanda, Domakal Mandal, Mahabubabad District-506101.

...PETITIONER/Owner of the Vehicle

AND

1. The State of Telangana, Rep.by its Public Prosecutor, High Court for State of Telangana at Hyderabad.
2. The Deputy Commissioner of Prohibition and Excise, Warangal, Warangal District.
3. The Station House Officer, Prohibition and Excise, Mahabubabad Mandal, Mahabubabad District.

...RESPONDENTS/RESPONDENTS/DEFACTO COMPLAINANT

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 directing the 2nd Respondent forth with to release the Petitioner Two wheeler Honda Activa 6G bearing Registration No. TS 26E 4980, Chassis No.ME4JF914CLGO81004, Engine No.JF91EG1080917, in the COR No.360 of 2022, on the file of Mahabubabad Prohibition and Excise Station, Mahabubabad District in spite of readiness to furnish the third party surety value of Rs.5,000/- before the 2nd Respondent.

I.A. NO: 1 OF 2023

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 certified copy of C.O.R. IN Cr. No. 360 of 2022 , dated 12.12.2022 on the file of The Station House Officer, Prohibition and Excise, Mahabubabad. before this Court.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri B BALAJI, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondents.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.104 OF 2023****ORDER:**

This Criminal Petition is filed to direct the 2nd respondent to release the petitioner's vehicle i.e., Two Wheeler Honda Activa bearing Registration No.TS 26 E 4980 seized in C.O.R.No.360 of 2022 on the file of Prohibition and Excise Police Station Mahabubabad, Mahabubabad District, filed for the offences under Sections 7(A) read with 8(e) of the Telangana Prohibition Act, 1995 and, in spite of his readiness to furnish sureties.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor for the respondent - State. Perused the record.

3. The case of the petitioner is that he is the registered owner of the vehicle i.e., Two Wheeler Honda Activa bearing Registration No.TS 26 E 4980 and he is using the said vehicle for his livelihood and day to day works. He further submits that the 3rd respondent seized the said vehicle on the ground that the said vehicle was found transporting 10 liters of I.D. liquor .

4. Learned counsel for the petitioner would submit that the vehicle in dispute of the year 2022. In proof of the same, he has filed copy of certificate of registration. The contraband seized was 10 liters of I.D. liquor. By referring the same, learned counsel for the petitioner would submit that an amount of Rs.5,000/- could be the reasonable amount towards security deposit for releasing of the vehicle.

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

6. Accordingly, the Criminal petition is disposed of, directing the respondents to release the vehicle i.e., Two Wheeler Honda Activa bearing Registration No.TS 26 E 4980 seized in C.O.R.No.360 of 2022 on the file of Prohibition and Excise Police Station, Mahabubabad District, subject to the condition of the petitioner furnishing Fixed Deposit Receipt (FDR) for an amount of Rs.20,000/- (Rupees Twenty 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 2nd 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 2nd respondent authority pursuant to the enquiry to be conducted under the provisions of the Prohibition Act. No order as to costs.

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

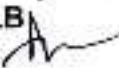
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Sd/- L. SIVA PARVATHI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Mahabubabad.
2. The Station House Officer, Prohibition and Excised Police Station, Mahabubabad Mandal, Mahabubabad District.
3. Two CC to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Sri B.Balaji, Advocate [OPUC]
5. Two CD Copies

BJLB
VH 

HIGH COURT

KS, J

DATED:05/01/2023

ORDER

CRLP.No.104 of 2023



CRIMINAL PETITION IS DISPOSED OF

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