

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 180 OF 2023

Between:

Kamineni Srinivasarao, S/o.Suribabu, Occ. Owner of the Vehicle bearing No. AP 39 U 5041, R/o. H.No. 1-0 Near SBI Bank, Ydlapadu, Boyapalem, Guntur, Andhra Pradesh State 522233.

...PETITIONER/ACCUSED(S)

AND

1. The State of Tolangana, Represented 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, Mahabubabad Proh. and Excise, Station, Mahabubabad District.

...RESPONDENT/COMPLAINANTS

Petition under Section 482 of Cr.P.C R/w 457 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 Petitioners vehicle Ashok Leyland Dost-LMV Vehicle bearing No. AP 39 U 5041 involved in COR No. 359 of 2022 Dt. 10.12.2022 of Mahabubabad Proh. and Excise Station, Mahabubabad District in spite of readiness to furnish the third party surety value of Rs.20,000/-before the 2nd Respondent.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Laxmaiah Kanchani, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent Nos.1 to 3.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.180 OF 2023****ORDER:**

This Criminal Petition is filed to direct the 2nd respondent to release the petitioner's Ashok Leyland Limited Goods Carriage-LMV bearing Registration No.AP-39-U-5041 involved in COR No.359 of 2022 on the file of Prohibition and Excise Station, Mahabubabad, Mahabubabad District, filed for the offences under Sections 7(A) read with 8(e) of the Telangana Prohibition Act, 1995 and 34(e) of Telangana Excise Act, 1968, 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., Ashok Leyland Limited Goods Carriage-LMV bearing Registration No.AP-39-U-5041 and he is eking out his livelihood from the income derived from the said vehicle. He further submits that the 3rd respondent seized the said vehicle on the

ground that he is carrying 3000 kgs of black jaggery, 100 kgs of Alum and 10 litres of I.D. liquor.

4. Learned counsel for the petitioner would submit that the vehicle in dispute of the year 2019 make. In proof of the same, he has filed copy of certificate of registration. The contraband seized was 3000 kgs of black jaggery, 100 kgs of Alum and 10 litres of I.D. liquor. By referring the same, learned counsel for the petitioner would submit that an amount of Rs.20,000/- 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, 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., Ashok Leyland Limited Goods Carriage-LMV bearing Registration No.AP-39-U-5041 subject to the condition of the petitioner furnishing Fixed Deposit Receipt (FDR) for an amount of Rs.1,00,000/- (Rupees One Lakh 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.

//TRUE COPY//

Sd/-C.PRAVEEN KUMAR
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Mahabubabad.
2. The Mahabubabad Proh. and Excise, Station, Mahabubabad District.
3. One CC to Sri Laxmaiah Kanchani, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies
6. One Spare Copy

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HIGH COURT

DATED: 06/01/2023



ORDER

CRL.P.No.180 of 2023

DISPOSING OF THE CRIMINAL PETITION
NO COSTS

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18/1/23