

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**WEDNESDAY, THE ELEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 408 OF 2023

Between:

Banothu Mothilal, S/o. Banothu Buchya, Aged about 27 years, Occ-
Agriculture, (Owner of the Vehicle Motor Cycle bearing No.TS-26-A-7175),
R/o. H.No.8-124, Haridhas Thanda, Rajole Village, Kuravi Mandal,
Mahabubabad District.

.....PETITIONER/OWNER OF THE VEHICLE

AND

1. The State of Telangana, 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, Prohibition and Excise, Mahabubabad Mahabubabad District.

.....RESPONDENTS/COMPLAINANTS

Petition under Section u/s 482 OF CR.PC.) 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 Petitioner Two Wheeler Glamour bearing Registration No. TS-26-A-7175, Chassis No.MBLJAR026JGA68418, Engine No. JA06ERJGA79195, involved in COR No, 388 of 2022, dated 27.12.2022, 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

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri LAXMALLA SANDEEP, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No 1 TO 3

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.408 OF 2023****ORDER:**

This Criminal Petition is filed to direct the 2nd respondent to release the petitioner's vehicle i.e., Two Wheeler Glamour bearing Registration No.TS-26-A-7175 involved in C.O.R.No.388 of 2022 on the file of Prohibition and Excise Station, Mahabubabad, Mahabubabad District, filed for the offences under Sections 34(e) of Telangana Excise Act, 1968 and 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 Glamour bearing Registration No.TS-26-A-7175 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 200 kgs of black jaggery, 50 kgs of Alum and 20 liters of I.D. liquor.

4. Learned counsel for the petitioner would submit that the vehicle in dispute of the year 2018 make. In proof of the same, he has filed copy of certificate of registration. The contraband seized was 200 kgs of black jaggery, 50 kgs of Alum and 20 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 Glamour bearing Registration No. TS-26-A-7175 involved in C.O.R.No.388 of 2022 on the file of Prohibition and Excise Station, Mahabubabad, 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.

Sd/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Mahabubabad, Prohibition and Excise Station, Mahabubabad District
2. One CC to SRI. LAXMALLA SANDEEP Advocate [OPUC]
3. TWO CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana, at Hyderabad [OUT]
4. Two CD Copies

Handwritten signature/initials

HIGH COURT
KSJ
DATED: 11/01/2023

ORDER
CRLP.No.408 of 2023



DISPOSING OF THE CRIMINAL PETITION

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25/1/23
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