

THURSDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K. SURENDER

CRIMINAL PETITION NO: 1613 OF 2023

Between:

Bukya Ramyasri, W/o. Ramachandru, aged 30 years, Occ. Owner of the Vehicle Bearing No. TS 26 G 6197, R/o. H.No.6-79, Venkataram Thanda, K. Samudram Mandal, Mahabubabad District.

...Petitioner/Owner of the vehicle

AND

1. 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.

...Respondents/Respondents

3. The Station House Officer, Gudur Proh. and Excise, Station, Mahabubabad District.

...Respondent/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 Petitioners Two Wheeler Bajaj Pulsar Vehicle bearing No.TS 26 G 6197 involved in COR No.15 of 2023 of Gudur Proh. and Excise Station, Mahabubabad District in spite of readiness to furnish the third party surety value of Rs.10,000/- 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 on behalf of the Respondents.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.1613 OF 2023****ORDER:**

This Criminal Petition is filed to direct the 2nd respondent to release the petitioner's two wheeler Bajaj Pulsar bearing Registration No.TS 26 G 6197 involved in COR No.15 of 2023 on the file of Gudur Prohibition and Excise Station, Mahabubabad District, registered for the offence under Section 34(e) of the Telangana Excise Act,1968 and 7(A) read with Section 8(e) of the Telangana State Prohibition Act, 1995, in spite of her 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 she is the registered owner of the two wheeler vehicle i.e., Bajaj Pulsar bearing Registration No. TS 26 G 6197. She further submits that the 3rd respondent seized the said vehicle on the ground that the said vehicle is carrying 200 KGs of black Jaggery and sixteen liters of I.D. Liquor.

4. Learned counsel for the petitioner would submit that the vehicle in dispute was purchased by her. In proof of the same, she has filed copy of certificate of registration. By referring the same, learned counsel for the petitioner would submit that an amount of Rs.10,000/- could be the reasonable amount towards security deposit for releasing of the vehicle. He further submits that petitioner is using the said vehicle for her livelihood and day to day activities.

5. Considering the fact that the petitioner is only using her vehicle for her livelihood and day to day activities, 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 2nd respondent to release the two wheeler vehicle i.e., Bajaj Pulsar bearing Registration No. TS 26 G 6197 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 she 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/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Station House Officer, Proh. and Excise Station, Gudur, Mahabubabad District.
2. One CC to Sri Laxmaiah Kanchani, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies

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HIGH COURT

DATED:16/02/2023

ORDER

CRL.P.No.1613 of 2023



DISPOSING OF THE CRL.P.

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1/3/23