

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 4067 OF 2023

Between:

Kesapati Yesurathnam, , S/o. Chiranj, Aged about 46 years, Occ. owner of the vehicle bearing No. TS 04 UD 9399 R/o. H.No. 1-1-91, Eerlapudi, Raghunadhapalem, Khammam District.

...PETITIONER/ACCUSED Owner of the Vehicle

AND

1. State of Telangana, Represented by its Public Prosecutor, High Court for Telangana at Hyderabad.
2. The Deputy Commissioner of Prohibition, and Excise, Khammam, Khammam District.
3. The Station House Officer,, Singareni Prohibition and Excise Station, Khammam District.

...RESPONDENT/COMPLAINANTS

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 forthwith release the Petitioners Ashok Leyland LMV Dost Vehicle bearing No. TS 04 UD 9399 involved in COR No. 21 of 2023 dated. 29/03/2023 on the file of the Singareni Prohibition and Excise Station, Khammam District in spite of readiness to furnish the third party surety value of Rs.25,000/- 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 Respondent No. 1 and none appeared for the Respondent No. 2 & 3.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.4067 OF 2023

ORDER:

This Criminal Petition is filed to direct the 2nd respondent to release the petitioner's Ashok Leyland LMV Dost Vehicle bearing Registration No.TS-04-UD-9399 involved in COR No.21 of 2023 on the file of Singareni Prohibition and Excise Station, Khammam District, registered for the offence under Section 7(A) read with Section 8(e) of the Telangana State Prohibition Act, 1995 and Section 34(e) of Telangana Excise Act, 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 Ashok Leyland LMV Dost Vehicle bearing Registration No.TS-04-UD-9399 and the said vehicle is being using for his livelihood and day to day activities. He further submits that the 3rd respondent seized the said

vehicle on the ground that he is illegally transporting black jiggery, alum and 20 liters of ID Liquor.

4. Learned counsel for the petitioner would submit that the vehicle in dispute was purchased by him. In proof of the same, he has filed copy of certificate of registration. By referring the same, learned counsel for the petitioner would submit that an amount of Rs.25,000/- 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 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 vehicle i.e., Ashok Leyland LMV Dost Vehicle bearing Registration No.TS-04-UD-9399 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 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.

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

Sd/- L.SIVA PARVATHI
ASSISTANT REGISTRAR

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SECTION OFFICER

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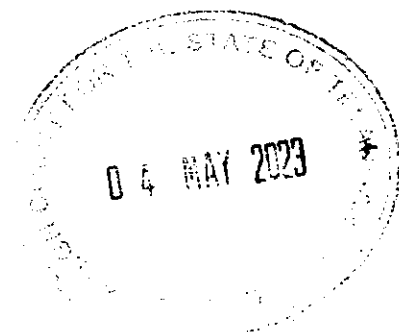
1. The Deputy Commissioner of Prohibition, and Excise, Khammam, Khammam District.
2. The Station House Officer,, Singareni Prohibition and Excise Station, Khammam District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT).
4. One CC to SRI. LAXMAIAH KANCHANI, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT
DATED:21/04/2023

ORDER
CRLP.No.4067 of 2023



DISPOSING OF THE CRIMINAL PETITION

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