

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 35036 OF 2023

Between:

Smt. Rathlavath Suvarna, W/o Rathlavath Bodka, Aged about 37 years, Occ Housewife, R/o H.No.1-5, Near Bus Stand, Bommanpally, Achampet Mandal, Nagarkurnool District, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.
2. The Station House Officer, Siddapur Police Station, Nagarkurnool District.
3. The Deputy Commissioner, Prohibition and Excise Department, Nagarkurnool District at Mahabubnagar.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ Mandamus to direct the respondents particularly 2nd respondent herein to release the vehicle to the petitioner i.e., Motor Cab Maruti S- Cross Smart bearing No. TS-31-T-6336 from the custody of the 2nd respondent in connection with Crime No. 96 of 2023 dated 23-11-2023 herein forthwith.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent to release the vehicle to the petitioner i.e., Motor Cab Maruti S- Cross Smart bearing No. TS-31-T-6336 from the custody of the 2nd respondent

in connection with Crime No. 96 of 2023 dated 23-11-2023 herein pending disposal of the main writ petition.

Counsel for the Petitioner: SRI METTU VAISHNAVI

Counsel for the Respondent No.1 & 2: GP FOR HOME

Counsel for the Respondent No.3: GP FOR PROHIBITION & EXCISE

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.35036 OF 2023

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to issue a direction to respondent No.2 to release the petitioner's vehicle i.e., Motor Cab Maruti S-Cross Smart bearing No.TS-31-T-6336 forthwith from the custody of respondent No.2, seized in connection with Crime No.96 of 2023, dated 23.11.2023.

2. Heard learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise appearing for the respondents. Perused the record.

3. The case of the petitioner is that she is the owner of the subject vehicle i.e., Motor Cab Maruti S-Cross Smart bearing No.TS-31-T-6336. It is further case of the petitioner that the said vehicle was seized by the respondent-police on the ground of transportation of illicit liquor and registered a case in Crime No.96 of 2023, dated 23.11.2023 on the file of respondent No.2 for the offence punishable under Section 34 (e) of the Telangana Excise Act, 1968 (for short, 'the Act, 1968').

4. Learned counsel for the petitioner submitted that the vehicle was manufactured in the year 2018 and in proof of

the same, the petitioner filed registration certificate. By referring the same, learned counsel for the petitioner would submit that an amount of Rs.50,000/- would be reasonable towards security deposit for release of the subject vehicle.

5. Considering the fact that the petitioner is using the subject vehicle for her day-to-day activities, the vehicle can be released subject to further proceedings under the Act, 1968 on certain conditions.

6. Accordingly, the Writ Petition is disposed of directing the respondents to release subject vehicle i.e., Motor Cab Maruti S-Cross Smart bearing No.TS-31-T-6336, subject to petitioner furnishing Fixed Deposit Receipt (FDR) for an amount of Rs.50,000/- (Rupees Fifty Thousand only) in favour of respondent No.3. The petitioner shall also furnish an undertaking that she will not alienate or change the physical features of the vehicle. Respondent No.3 shall address a letter to the Road Transport Authority not to transfer the subject vehicle in favour of any third party without clearance from the Excise Department. Needless to say, release of the subject vehicle i.e., Motor Cab Maruti S-Cross Smart bearing No.TS-31-T-6336, shall be subject to the orders to be passed by respondent No.2 pursuant to the enquiry to be conducted under

the provisions of the Act, 1968. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

**SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, Secretariat Buildings, Hyderabad, State of Telangana.
2. The Station House Officer, Siddapur Police Station, Nagarkurnool District.
3. The Deputy Commissioner, Prohibition and Excise Department, Nagarkurnool District at Mahabubnagar.
4. One CC to M/s. METTU VAISHNAVI, Advocate [OPUC]
5. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CCs to GP FOR PROHIBITION & EXCISE, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

BSR

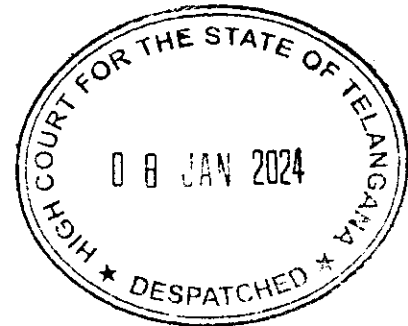
LS

HIGH COURT

DATED: 29/12/2023

ORDER

WP.No.35036 of 2023



**DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS**

⑪
8/1/24