IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION NO: 15141 OF 2024

Between:

Shaik Anwar Pasha, S/o. Mahaboob Pasha, Aged about 33 years, Occ. Business, R/o. H. No. 9- 347/2, Laxmidevipalli, Kothagudem, Bhadradri Kothagudem District

...Petitioner / Accused / Owner of the Auto Bearing Reg. No. TS-28-TB-2920

AND

1. The State of Telangana, through S.H.O., Kothagudem Proh. And Excise Station, Bhadradri Kothagudem District, Rep. by Public Prosecutor, High Court, Hyderabad
2. The Deputy Commissioner of Proh. And Excise, Khammam, Khammam District

...Respondents / Complainant

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to pass orders directing the 2nd respondent herein to forthwith release the petitioners Auto bearing Reg. No. TS-28-TB-2920 seized in COR No. 381 of 2024 dt. 02-12-2024 on the file of Kothagudem Proh. And Excise Station, Bhadradri Kothagudem District, inspite of the readiness of the petitioner 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 S Prasad Babu, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No. 1.

The Court made the following Order :

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.15141 of 2024

ORDER:

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/accused to direct respondent No.2 to release the Auto bearing No.TS-28-TB-2920 seized in COR No.381 of 2024 dated 02.12.2024 on the file of Kothagudem Prohibition and Excise station, Bhadradri Kothagudem District.

2. Heard M/s. S.Prasad Babu, learned counsel for the petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1 – State.

3. Learned counsel for the petitioner submits that the seized vehicle is necessary to meet day-to-day basic needs of the petitioner. He further submitted that the petitioner is ready to furnish any security to the satisfaction of the trial Court. Hence, he prayed this Court to allow the Criminal Petition.

4. Learned Additional Public Prosecutor submitted that the vehicle seized is in the possession of 1st respondent and the 2nd

respondent shall direct the 1st respondent to release the vehicle on an application filed before the 2nd respondent.

5. Considering the fact that the petitioner is only using his vehicle for his livelihood and day to day works and having regard to the submissions of the learned counsel for the petitioner and learned Additional Public Prosecutor, this Court is inclined to grant interim custody of the vehicle in question on condition of petitioner executing a personal bond for a sum of Rs.20,000/- in favour of respondent No.2. The petitioner shall also furnish an undertaking that he will not alienate or change the physical features of the vehicle. Respondent No.2 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 respondent No.2 authority pursuant to the enquiry to be conducted under the provisions of the Prohibition Act.

6. Accordingly the criminal petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

Sd/- V. KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The First Additional Judicial First Class Magistrate at Kothagudem
2. The Station House Officer, Kothagudem Prohibition and Excise Station, Bhadradri Kothagudem District
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]

4. One CC to Sri S Prasad Babu, Advocate [OPUC]
5. Two CD Copies

VA/gh

HIGH COURT

DATED:12/12/2024

ORDER

CRLP.No.15141 of 2024

DISPOSING OF THE CRLP

8 copies
by
13/12/24