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

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

**PRESENT**

**THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI**

**CRIMINAL PETITION NO: 15533 OF 2024**

**Between:**

Abba Nagaraju (wrongly mentioned as Abba Raju S/o Mallaiah, aged about 34 years Occ Photographer, R/o H. No. 2-3, Vaddemanu village, Bijinepalli Mandal, Nagarkurnool District

**...Petitioner / Accused / Owner of the Bolero Jeep bearing Reg. No. TS-31-T-0411**

**AND**

1. The State of Telangana, through S.H.O., Achampet Proh. and Excise Station, Nagarkurnool District, Rep. by Public Prosecutor, High Court, Hyderabad
2. The Deputy Commissioner of Proh. and Excise, Mahabubnagar Region

**...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 Bolero Van bearing Reg. No. TS-31-T-0411 (Model 2016) seized in COR No. 163 of 2024 dt. 08/08/2024 on the file of Atchampet Proh. And Excise Station, Nagarkurnool 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 B Koteswara Rao, Advocate Rep. 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.15533 of 2024**

**ORDER:**

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner to direct respondent No.2 to release the vehicle bearing No.TS-31-T-0411, involved in COR No.163 of 2024 of Prohibition and Excise Station, Achampet, Nagarkurnool District, registered for the offences under Section 7 (A) r/w. 8 (e) of T.S. Prohibition Act, 1995 and Section 34(e) of T.S. Excise Act.

2. Heard Sri B.Koteswara Rao, learned counsel representing Sri S.Prasad Babu, learned counsel for petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

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. 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, this Court deems it appropriate to direct respondent No.3 to produce the vehicle in question before respondent No.2, within (10) days from the date of receipt of a copy of this order and the petitioner shall file an application before the 2nd respondent along with an undertaking that he will not alienate or change the physical features of the vehicle, in which event, the 2nd respondent shall consider the same and grant interim custody of the vehicle in question on condition of petitioner executing a personal bond for sum of Rs.20,000/- in his favour. 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.

5. Accordingly, the Criminal Petition is disposed of.

Miscellaneous application pending, if any, shall stand closed.

Sd/- T. TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

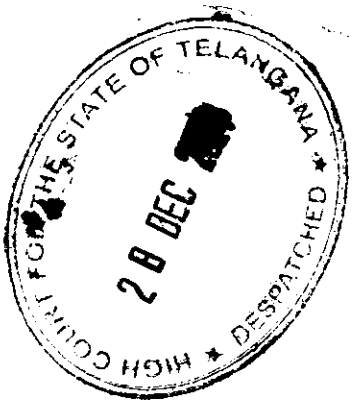
To,

1. The First Class Magistrate at Atchampet
2. The Station House Officer, Atchampet Proh. And Excise Station, Nagarkurnool 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:26/12/2024




ORDER

CRLP.No.15533 of 2024

DISPOSING OF THE CRLP

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