

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 37000 OF 2016

ORDER:

Questioning the seizure of Mahindra Bolero LX vehicle bearing registration No. AP 09 AY 4371 seized by the third respondent in Crime No.222 of 2016, the present writ petition is filed.

2. As per Sections 12 and 13 of the Andhra Pradesh Prohibition Act read with Sections 46 and 45 of the Andhra Pradesh Excise Act, the Deputy Commissioner of Prohibition & Excise concerned has the competence to deal with any such motor vehicle and initiate proceedings for its confiscation. If a motor vehicle is kept idle and not used for long, it is more likely that it will get rusted because of gathering of fine particles of dust and other material and hence, it would be more appropriate to entrust the interim custody to an appropriate person.

3. If the petitioner approaches the 2nd respondent Deputy Commissioner of Prohibition & Excise, Mahabubnagar, with an application, enclosing thereto a Bank Guarantee drawn in favour of the Deputy Commissioner on any nationalized bank payable at Mahaboobnagar, for a sum of Rs.1,00,000/- (Rupees one lakh only), the Mahindra Bolero LX vehicle bearing registration No. AP 09 AY 4371 may be entrusted for interim custody to the petitioner, provided he produces necessary material in the form of the Registration Certificate

(RC) of the vehicle and also his identity proof and furnishing an undertaking that he will keep the vehicle insured at all times and that he will keep it in good running condition by maintaining it regularly, and that he will not create any 3rd party interests or charge thereon and that he will not alienate the same. So far as the contraband is concerned, the same can be examined for entrustment or otherwise only upon finalization of the confiscation proceedings. It shall also be open to the Deputy Commissioner of Prohibition & Excise to secure valuation of the motor vehicle by referring it to the Motor Vehicle Inspector. The Bank Guarantee shall be valid till the disposal of the excise case. Petitioner shall produce the vehicle as and when required for enquiry. The respondents are directed to complete the enquiry within a period of three months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

October 31, 2016
LMV

JUSTICE CHALLA KODANDA RAM