

**HON'BLE SRI JUSTICE M. GANGA RAO**

**WRIT PETITION No.12419 of 2021**

**ORDER:**

The order of respondent No.2 dated 19.05.2021 directing the petitioner to furnish Bank Guarantee for a sum of Rs.4,00,000/- for release of the petitioner's Bolero vehicle bearing No.AP 07 TM 0583, which was seized in connection with Crime No.65 of 2021 on the file of 3<sup>rd</sup> respondent police station, is questioned in the writ petition as being illegal and arbitrary.

Heard the learned counsel for the petitioner and learned Assistant Government Pleader for Civil Supplies. With their consent, the Writ Petition is being disposed of at the admission stage.

The case of the petitioner is that he is the owner of Mahendra Bolero Maxi Truck bearing registration No.AP 07 TM 0583. He is plying the vehicle for transportation of goods and eking out his livelihood. On 29.03.2021 when the vehicle was kept at Bus-stand Centre, Markapur, one stranger requested him to transport his common rice yielded from his agricultural lands from Markapur to Giddlaru on a hire amount of Rs.1,500/-. The rice was loaded in the vehicle and when the vehicle reached near bus-stand centre, China Cumbum, the enforcement authorities and local police intercepted the vehicle and seized the vehicle alleging that the rice is PDS rice and registered a case in crime No.65/2021 under Section 7 of E.C. Act. The vehicle was handed over to the 3<sup>rd</sup> respondent. Thereafter, proceedings under Section 6-A of the E.C Act were initiated against the petitioner alleging that the petitioner has diverted the PDS rice into black market for pecuniary gains. Petitioner filed a petition before respondent No.2 for grant of interim custody of the vehicle. The impugned order was passed directing to

furnish Bank Guarantee of Rs.4,00,000/- for release of the subject vehicle. Aggrieved of the same, the Writ Petition is filed.

Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle and he is not aware whether the rice bags loaded in the vehicle are PDS rice or not. Petitioner is no way concerned with the rice. Petitioner depends on the income derived from the vehicle for his livelihood. Since the vehicle is in the custody of the 4<sup>th</sup> respondent from 29.03.2021, petitioner sustained huge loss. It is very difficult for the petitioner to obtain bank guarantee for Rs.4,00,000/- in favour of the 2<sup>nd</sup> respondent for a period of three years. The petitioner is ready and willing to furnish third party surety/collateral security/personal bond and will abide by the conditions that would be imposed while releasing the vehicle.

Having regard to the facts and circumstances of the case, submissions of the learned counsel and on perusal of the material record, this Court, in the interests of justice, felt it appropriate to dispose of the writ petition directing the respondents to get the vehicle valued by the concerned Motor Vehicle Inspector in the presence of the petitioner after serving notice on him and the petitioner is directed to furnish the immovable property security by executing a bond in favour of the appropriate authority strictly adhering to the Stamps and Registration Laws as per the value fixed by the Motor Vehicle Inspector and, on production of such immovable property as security, the respondents are directed to release the Bolero vehicle bearing No.AP 07 TM 0583 to the petitioner towards interim custody. The petitioner shall give proof of ownership of the vehicle and an undertaking that he will

not alienate, alter its nature or create any encumbrance over the same, pending proceedings under Section 6-A of the Act.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

30.06.2021  
Vjl

---

M. GANGA RAO, J

**HON'BLE SRI JUSTICE M. GANGA RAO**

**WRIT PETITION No.12419 of 2021**

**30.06.2021**

**Vjl**