

THE HONOURABLE SRI JUSTICE D.RAMESH

CRIMINAL PETITION NO.7685 of 2021

ORDER:-

This petition is filed under Sections 482 r/w 457 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking release of Auto bearing registration No.AP 39 TF 1956, seized in FIR No.428 of 2021 of Police Station, Korukonda, Rajamahendravaram Urban, Godavari District.

2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondents.

3. The facts of the prosecution case are that on 07.11.2021 in between 1.00 a.m. to 12.00 noon at Burugupudi Gate, Burugupudi Village, Korukonda Mandal, the accused 1 and 2 were arrested and police seized 05 Liters of I.D. arrack worth Rs.500/- and Bajaj Yellow colour passenger auto bearing No.AP 39 TF 1956 from the scene of offence, while transporting the ID arrack in the said vehicle, under cover of mediators report. The Sub Inspector of Police, Korukonda Police Station registered a case in Cr.No.428 of 2021 u/s.7(B) r/w 8(B) of A.P. Prohibition (Excise) Act, 2020.

4. Learned counsel for petitioner submits that the petitioner is the owner of the seized vehicle and he was no way connected with the offence and the alleged vehicle is lying with the premises of the Police Station Korukonda, which may be exposed to natural calamities and if the petitioner vehicle is kept idle, there is every chance that the petitioner vehicle will get damaged. Moreover, there is no dispute about the ownership of the vehicle. Apart from that he

also filed copy of the registration certificate of the vehicle bearing No.AP 39 TD 1956. Despite requests made by the petitioner, the 3rd respondent has not considered and passed any order as per Section 45 of the Act. Hence, the present petition.

5. Learned counsel further submitted that in the identical circumstances, this court pleased to release the vehicle in CrI.P.No.6359 of 2021 dated 16.11.2021, thereby prayed to allow this petition.

6. Learned Additional Public Prosecutor does not oppose the criminal petition.

7. In view of the above submissions, the Criminal Petition is allowed and auto bearing No. AP 39 TD 1956 shall be released for the interim custody of the petitioner subject to any final orders that may be passed at the time of disposal of the main case on execution of a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the 3rd respondent. It is further directed that the petitioner shall not alienate the vehicle, shall not change its physical features or create any encumbrance or change on the same. He shall produce the vehicle whenever he is directed to do so by the 3rd respondent.

Consequently, miscellaneous applications pending, if any, shall stand closed.

JUSTICE D.RAMESH

Date: 31.01.2021
Pnr