

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 958 OF 2023

Between:

Thammisetty Venkata Punna Rao, S/o. Subbaiah, Aged about 27 years, Occ. Owner of the Vehicle Bearing No. AP 39 TS 3669, R/o. 11-945/8, Dwaraka Nagar, 11th line, Guntur, Guntur District.

...PETITIONER/OWNER OF THE VEHICLE

AND

1. State of Telangana, Represented by its Public Prosecutor, High Court for State of Telangana at Hyderabad.
2. The Deputy Commissioner of Prohibition and Excise, Nalgonda, Nalgonda District.

...RESPONDENTS/RESPONDENTS

3. The Station House Officer, Huzurnagar Proh. and Excise, Station, Suryapet District.

...RESPONDENT/DEFACTO COMPLAINANT

Petition under Section 482 of Cr.P.C R/w 457 of Cr.P.C, praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to directing the 2nd Respondent forth with to release the Petitioners TATA Intra Vehicle bearing No. AP 39 TS 3669 involved in COR No.276 of 2022 of Huzurnagar Proh. & Excise Station, Suryapet District in spite of readiness 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 Laxmaiah Kanchani, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent Nos.1 to 3.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.958 OF 2023

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to direct the 2nd respondent to release the petitioner's vehicle i.e. TATA Intra Vehicle bearing No.AP-39-TS-3669 involved in Crime Occurrence Report No.276 of 2022 on the file of Prohibition and Excise Sub-Inspector, Huzurnagar, filed for the offences under Section 7(A) read with Section 8(e) of TS Prohibition and Excise Act and Section 34(1) of Telangana Excise Act, in spite of his readiness to furnish sureties.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor for the respondent - State. Perused the record.
3. The case of the petitioner is that he is the registered owner of the vehicle i.e., TATA Intra Vehicle bearing No.AP-39-TS-3669 and he is eking out his livelihood out of the income derived from the said vehicle. He further submits that the 3rd respondent seized the said vehicle on the ground that the said vehicle was found transporting 200 kgs of jaggery and 20 liters of liquor.

4. Learned counsel for the petitioner would submit that the vehicle in dispute is of the year 2021 make. In proof of the same, he has filed copy of certificate of registration. By referring the same, learned counsel for the petitioner would submit that an amount of Rs.25,000/- could be the reasonable amount towards security deposit for releasing of the vehicle.

5. Considering the fact that the petitioner is only using his vehicle for day to day activities, the vehicle can be released subject to further proceedings under the Excise Act, on certain terms.

6. Accordingly, the Criminal petition is allowed, directing the 2nd respondent to release the petitioner's vehicle i.e., TATA Intra Vehicle bearing No.AP-39-TS-3669 subject to the condition of the petitioner furnishing Fixed Deposit Receipt (FDR) for an amount of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the 2nd respondent. The petitioner shall also furnish an undertaking that he will not alienate or change the physical features of the vehicle. The 2nd respondent 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 the 2nd respondent authority pursuant to the enquiry to be conducted under the provisions of the Prohibition Act. No order as to costs.

Miscellaneous Petitions, if any, pending, shall stand closed.

Sd/-C.PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The First Class Magistrate at Huzurnagar.
2. The Deputy Commissioner of Prohibition and Excise, Nalgonda, Nalgonda District.
3. The Station House Officer, Huzurnagar Proh. and Excise, Station, Suryapet District.
4. One CC to Sri Laxmaiah Kanchani, Advocate [OPUC]
5. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies

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HIGH COURT

DATED: 31/01/2023



ORDER

CRL.P.No.958 of 2023

ALLOWING THE CRIMINAL PETITION

69
MD
7/2/23