



IN THE HIGH COURT OF ANDHRA PRADESH
 AT AMARAVATI
 (Special Original Jurisdiction)

[3328]

FRIDAY, THE TWENTY EIGHTH DAY OF MARCH
 TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
 PRASAD**

WRIT PETITION NO: 3458/2025

Between:

1. DINESH KUMAR,, S/O RAMU, AGED ABOUT 31 YEARS, R/O D.NO.1/139, REVATHY AMMA KOLI STREET, THOKKAMUR, ARAMBAKKAM, TIRUVALLUR, TAMILNADU STATE

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRI. SECRETARY, REVENUE (PROHIBITION AND EXCISE), DEPARTMENT, AP SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

2. THE COMMISSIONER, PROHIBITION AND EXCISE DEPARTMENT, MANGALAGIRI, ANDHRA PRADESH.

3. THE SUPERINTENDENT OF POLICE, TIRUPATI DISTRICT, ANDHRA PRADESH.

4. THE STATION HOUSE OFFICER, PITCHATOOR POLICE STATION, TIRUPATI, TIRUPATI DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1. SIVAPRASAD REDDY VENATI

Counsel for the Respondent(S):

1. GP FOR PROHIBITION EXCISE

2. GP FOR HOME

The Court made the following:

ORDER:

Heard Sri P. Shiva Sai Dattatreya, learned Counsel appearing on behalf of Sri Siva Prasad Reddy Venati, learned Counsel for the Petitioner and Sri P. Nagaraju, learned Government Pleader for Prohibition & Excise.

2. The Writ Petitioner is the owner of vehicle namely Bajaj Pulsar Motor Cycle bearing No.TN 18 AY 8070. This vehicle was involved in the incident of bootlegging and an F.I.R has been registered on 04.03.2024 bearing F.I.R.No.29/2024. Consequently, the vehicle was also seized which is carrying 4 quarter bottles of liquor unauthorizedly. The Motor Vehicle Inspector, Puttur, Tirupati District, *vide* proceeding dated 24.04.2024, has valued the vehicle at Rs.55,000/- (Fifty Five Thousand Rupees only), which is the current market value.

3. The Writ Petitioner has filed the present Writ Petition seeking release of the said Vehicle. He would submit that he will subject himself to any condition imposed by this Court. This Court had directed the learned Counsel for the Petitioner to have a personal affidavit of the Writ Petitioner filed undertaking to indemnify the cost of the vehicle as fixed by the Motor Vehicle Inspector *vide* his proceeding dated 24.04.2024 on account of any adverse Order passed against the Writ Petitioner in the future. In compliance with the same, the Writ Petitioner has filed an affidavit on 05.02.2025. The same is taken on record.

4. In addition to the undertaking mentioned in the affidavit, this Court issues the following directions:

- I. The Petitioner shall produce the vehicle in question as and when required in connection with the trial of the offence.
- II. The Petitioner shall not put the vehicle in question to any use other than his personal use.
- III. The Petitioner shall not tamper with the vehicle in any manner and shall maintain the same in good condition.

5. This Court has bestowed its mind on the nature of conditions which are sought to be imposed for the release of the vehicle. The vehicle of the Petitioner is only involved in an incident of bootlegging carrying 3 quarter bottles of Black Pearl Brandy (180 ml each, priced at of Rs.130/- per bottle) and one quarter bottle of Bacardi Limon (180 ml, priced at Rs.250/-) and the total value of the liquor is Rs.640/-. In this view of the matter, this Court is of the opinion that imposition of onerous conditions for release of vehicle is unwarranted in such cases of bootlegging. At this stage, it is also to be clarified that this relaxed condition can be given only in cases of bootlegging of minor nature.

6. With the above directions, this Writ Petition is disposed of. Registry is directed to retain the personal Affidavit filed by the Petitioner dated 05.02.2025. Registry is further directed to attach a copy of the Affidavit filed by the Writ Petitioner dated 05.02.2025 along with the copy of this Order. No order as to costs. The Respondent Authorities shall accordingly release the abovementioned vehicle in terms of the personal Affidavit and the conditions mentioned hereinabove. Let the vehicle be released within 2 weeks from the date of the uploading of this Order on the website of this Court.

7. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 28.03.2025

Vns