

[3183]

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 25911 OF 2025

Between:

Shaik Gouse Basha, S/o. Subhani, Age- 36 years, Occ- Agricultural, (Owner of the Vehicle bearing No. AP-39-TG-0863) R/o.H.No. 3-142, Indira Nagar, Ongole, Prakasam District.

AND

...PETITIONER

1. The State of Telangana, Rep., by its Principal Secretary, Prohibition and Excise Department, Secretariat, BRKR Bhavan, Hyderabad, TS.
2. The Deputy Commissioner of Prohibition and Excise,, Nalgonda Division, Nalgonda District.
3. The Station House officer, Huzurnagar, Prohibition and Excise Station, Suryapet District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus by declaring the action of the 2nd respondent in not passing or directing the 3rd respondent to release the petitioner vehicle Auto Rickshaw bearing No.AP-39-TG-0863,with Chassis No. MD2A96AY3KWJ37221, Engine No. BAYWKH71420, which was seized in COR.No. 177 of 2025, dated 11.07.2025 of SHO, Huzurnagar, Prohibition and Excise Station, Suryapet District, as illegal, arbitrary, abuse of process of law, violation of Principles of natural Justice and contrary to the provisions of TS Excise Act and the consequently direct the 2nd and 3rd respondent to release the petitioner vehicle Auto Rickshaw bearing No.AP-39-TG-0863, with Chassis No. MD2A96AY3KWJ37221, Engine No. BAYWKH71420, which was seized in

COR.No. 177 of 2025, dated 11.07.2025 of SHO, Huzurnagar, Prohibition and Excise Station, Suryapet District, in the interest of Justice.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd and 3rd respondent to release the petitioner vehicle Auto Rickshaw bearing No.AP-39-TG-0863, with Chassis No. MD2A96AY3KWJ37221, Engine No. BAYWKLI71420, which was seized in COR.No. 177 of 2025, dated 11.07.2025 of SHO, Huzurnagar, Prohibition & Excise Station, Suiyapet District, in the interest of Justice pending_ disposal of the main Writ Petition.

Counsel for the Petitioner : SRI YADIAH BODDUPALLY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.25911 OF 2025

ORDER:

This writ petition is filed by the petitioner seeking the following relief:

"...to issue appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus:

Declaring the action of respondent No.2 in not passing or directing respondent No.3 to release the petitioner vehicle Auto Rickshaw bearing No.AP-39-TG-0863, with Chassis No.MD2A96AY3KWJ37221, Engine No.BAYWKH71420, which was seized in connection with COR.No.177 of 2025, dated 11.07.2025 of SHO, Huzurnagar, Prohibition & Excise Station, Suryapet District under Section 34(e) of TS Excise Act, 1968 and Sections 4 and 5 of GOR Regulation Order, 1968.

Consequently to direct respondent Nos.2 and 3 to release the petitioner's vehicle".

2. Heard learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise appearing for respondent Nos.1 to 3.
3. Learned counsel for the petitioner submitted that the petitioner is the owner of the subject vehicle and he is not the accused in the crime. Though the vehicle was seized in the said crime on 11.07.2025, so far confiscation proceedings are not finalized.
4. Learned Assistant Government Pleader for Prohibition and Excise submitted that show cause notice was served on the petitioner and

confiscation proceedings are pending. The FSL report of the seized contraband is awaited.


5. However, taking note of the fact that the petitioner is not the accused and the alleged contraband was seized from the accused and the alleged contraband transported in the vehicle was black jaggery and alum, which according to the petitioner is not a prohibited substance under the provisions of the Prohibition & Excise Act and rules made there under, this Court is inclined to grant relief to the petitioner.

6. Accordingly, the writ petition is disposed of directing respondent No.2 – The Deputy Commissioner of Prohibition & Excise, Nalgonda Division, Nalgonda District, to release subject vehicle bearing No.AP-39-TG-0863 in favour of the petitioner subject to the condition of his furnishing security in the form of Fixed Deposit Receipt for a sum of Rs.20,000/- (Rupees twenty thousand only). He is directed not to change physical features of the vehicle and not to alienate the vehicle in favour of third party. The respondent No.2 shall communicate to the concerned Regional Transport Authority about the seizure of the subject vehicle and pendency of investigation in COR.No.177 of 2025. It is made clear that this order shall be subject to the outcome of the confiscation proceedings, under Section 46 of the Excise Act. No order as to costs.

As a sequel there to, miscellaneous applications, if any, pending in this petition, shall stand closed.

//TRUE COPY//

SD/-K.AMMAJI
DEPUTY REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary, Prohibition and Excise Department, Secretariat, State of Telangana, BRKR Bhavan, Hyderabad, TS.
2. The Deputy Commissioner of Prohibition and Excise,, Nalgonda Division, Nalgonda District.
3. The Station House officer, Huzurnagar, Prohibition and Excise Station, Suryapet District.
4. One CC to SRI YADIAH BODDUPALLY, Advocate. [OPUC]
5. Two CCs to GP FOR PROHIBITION & EXCISE, High Court for the State of Telangana. [OUT]
6. Two CD Copies.

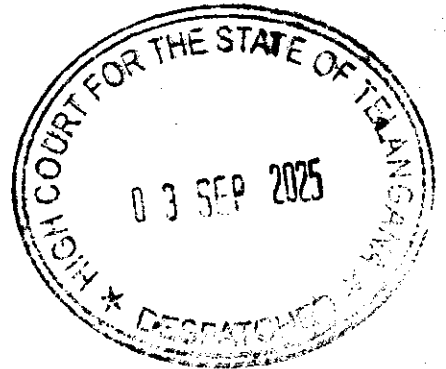
BSK



HIGH COURT

DATED:29/08/2025

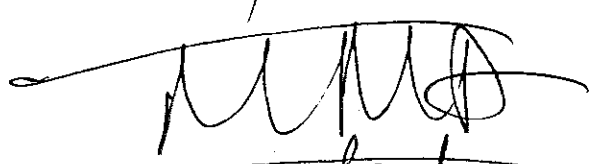
CC TODAY



ORDER

WP.No.25911 of 2025

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

9

29/8/2025