

**HONOURABLE SRI JUSTICE NINALA JAYASURYA****WRIT PETITION No.18740 of 2020**

**ORDER:** (Heard and pronounced through Blue Jeans App (Virtual) mode, since this mode is adopted on account of prevalence of COVID-19 pandemic)

Heard learned counsel for the petitioner, the learned Assistant Government Pleader for Prohibition & Excise appearing for respondent Nos.1 to 3 and learned Assistant Government Pleader for Home appearing for respondent No.4.

The present writ petition is filed challenging the action of the 3<sup>rd</sup> respondent in insisting the petitioner to furnish a fixed deposit for Rs.6,20,000/- for release of Eicher Goods Carriage Vehicle bearing registration No.KA-07-A-2083, seized by respondent No.4 vide Crime No.140 of 2020, as illegal, arbitrary, violative of principles of natural justice and also contrary to Articles 14, 19(1)(g) and 21 of the Constitution of India and Section 46-E of the Excise Act.

The writ petition is disposed of with the consent of all the parties at the stage of admission, since it is submitted that similar matters of this nature are being disposed of with certain directions for release of the vehicle.

The learned counsel for the petitioner submitted that the issue involved in the writ petition is covered by an order, dated 28.09.2020, passed by a learned Single Judge in Writ Petition No.17427 of 2020. In the said writ petition, the Hon'ble Court was pleased to modify the condition imposed by the Excise authorities for release of vehicle. Similar relief is also sought for in the present writ petition.

Perused the order passed in W.P.No.17427 of 2020. In view of the order in the said writ petition, and in view of the submission that similar order can as well be passed in the present writ petition, this Court is inclined to dispose of the present writ petition.

Following the orders passed in Writ Petition No.17427 of 2020, the Writ Petition is disposed of with a direction to respondent No.3 to release the Eicher Goods Carriage Vehicle bearing registration No.KA-07-A-2083 on furnishing immovable security worth Rs.6,20,000/- and executing a personal bond in favour of respondent No.3 strictly adhering to the Stamps and Registration laws. Further, the immovable property, which is given as security, shall preferably either belong to the petitioner or any of his immediate family members. It is needless to mention that before accepting the same, the authorities shall verify the authenticity of the documents. Apart from that, the petitioner herein shall not alienate, alter or change the nature of the vehicle and shall produce the same as and when required. In default, the respondent authorities are at liberty to proceed further in accordance with law. There shall be no order as to costs.

As a sequel, all the pending miscellaneous applications, if any, shall stand closed.

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**NINALA JAYASURYA, J**

Date: 14.10.2020  
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