

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

[3207]

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND



IA No. 1 OF 2021

IN

WP NO: 17070 OF 2021

Between:

M Rajasekhar, S/o M Mallesh, Aged 27 years, Occ: Driver, R/o Thamrahalli, Near Govt School, Dasara Nagenahalli, Bellari, - 583117

...Petitioner

(Petitioner in WP 17070 OF 2021
on the file of High Court)

AND

1. The State, Rep by its Principal Secretary, Prohibition & Excise Department A.P. Secretariat, Velagapudi, Guntur (Dist).
2. The Appellate Authority & Commissioner, Special Enforcement Bureau, Vijayawada
3. The Office of Superintendent of Police Cum Confiscating Authority, Anantapur
4. The Station House Officer, I Town. PS, Guntakal Anantapur District.

R2 CT is amended as per C.O., dt.18.8.21 in I.A.No.3/21.

...Respondent(s)

(Respondents in-do-)

Counsel for the Petitioner: SRI.LAKSHMIKANTH REDDY DESAI

Counsel for the Respondent Nos.1 & 2: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent Nos.3 & 4: GP FOR HOME

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to release the vehicle bearing no KA 34 P 1883 (Force Cruiser Trax) seized in Cr.No 19/2021, dtd 16.01.2021, Guntakal I Town PS, pending disposal of W.P.No.17070 of 2021, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following:

ORDER:

Learned counsel for the petitioner submits that the 4th respondent seized the vehicle i.e., Force Cruiser Trax registered bearing No.KA 34 P 1883 alleging illegal transportation of liquor in connection with a case in Cr.No.19 of 2021 of Guntakal I Town Police Station. The 4th respondent submitted report before the 3rd respondent, who is the competent authority to confiscate the seized vehicle. The 3rd respondent vide proceedings in R.C.No.193/SEB-ATP/2021 confiscated the vehicle and against the same the petitioner preferred an Appeal before the 2nd respondent, who is the appellate authority and the said Appeal was dismissed by order dated 04.08.2021.

Learned counsel for the petitioner submits that from the date of seizure the vehicle is under the custody of the 4th respondent. The 3rd respondent without serving any notice on the respondent the confiscation order is passed and the appellant authority also did not serve the copy of the order dated 04.08.2021 to the petitioner. Only after filing of the writ petition, he came to know about the order of the appellate authority and he received that copy of the order from the learned Government Pleader and filed as material paper before this Court along with amendment application.

Having heard the submissions of the learned counsel for the petitioner, it appears that the vehicle is under the custody of the 4th respondent since 16.01.2021. In view of the fact that the vehicle is kept in the police station for all these days. Definitely, it will be damaged due to exposure to the sun and rain and the petitioner has to suffer irreparable loss in the event of he succeeded in the proceedings.

Accordingly, in the *Prima facie* opinion of this Court, it is appropriate to direct the respondents to release the vehicle bearing No.KA 34 P 1883 in favour of the petitioner for interim custody pending disposal of the Writ Petition with the following conditions....

- i) The 3rd respondent is directed to release the vehicle bearing No.KA 34 P 1883 in favour of the petitioner on furnishing immovable security of the person, who is native of Andhra Pradesh State equivalent to the value of the vehicle within one (1) week from the date of submission of the security.
- ii) The petitioner is directed not to alienate the vehicle or change the physical features or create any encumbrance on the said vehicle.

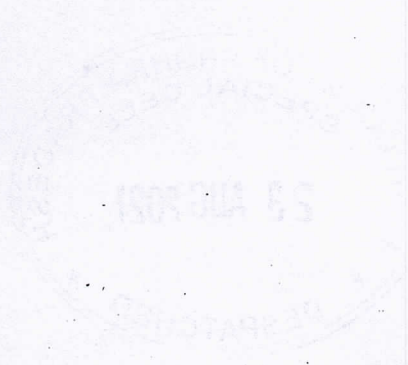
SD/- K.SRINIVAS RAJU
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Prohibition & Excise Department, State of A.P. Secretariat, Velagapudi, Guntur (Dist).
2. The Appellate Authority & Commissioner, Special Enforcement Bureau, Vijayawada
3. The Office of Superintendent of Police Cum Confiscating Authority, Anantapur
4. The Station House Officer, I Town. PS, Guntakal Anantaur District (1 to 4 By RPAD)
5. One CC to SRI.LAKSHMIKANTH REDDY DESAI Advocate [OPUC]
6. Two CCs to GP for Prohibition & Excise, High Court Of Andhra Pradesh. [OUT]
7. Two CCs to GP for Home, High Court Of Andhra Pradesh. [OUT]
8. One spare copy



HIGH COURT

DEVJ

DATED:18/08/2021

ORDER

I.A.NO.1 OF 2021

IN

WP.No.17070 of 2021

DIRECTION

