

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

THURSDAY, THE SECOND DAY OF SEPTEMBER,
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND
WRIT PETITION NO: 18749 OF 2021

Between:

R.Ashok, S/o G.Ramaiah, aged about 37 Years, R/ at Handrahalli, Budgere
Devanahalli, Bangalore Rural-562129, Karnataka State.

Petitioner

AND

1. The State of Andhra Pradesh, rep. by its Prl. Secretary, Home Department Prohibition and Excise, AP secretariat, Velagapudi, Guntur Dt.
2. The Commissioner of Special Enforcement Bureau A.P., cum Prohibition and Excise, Vijayawada, Andhra Pradesh.
3. The Superintendent of Police, Ananthapuram District, Ananthapur.
4. The Station House Officer, SEB Police Station, Hindupur, Ananthapur 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 a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent and set aside the 2nd respondent's proceedings of order in Cr.No.1852/2021/SEB/C, dated 04.08.2021, with directing to release the vehicle i.e. Bolero Pickup CBC 2WD BS-IV from the hands of the 4th respondent under vehicle bearing Regn.No.KA-53-AA-1284 in favour of the petitioner.

IA NO: 1 OF 2021

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 release the vehicle Bolero Pickup CBC 2WD - BS-IV bearing Regn No. KA-53-AA-1284, as interim custody on any conditions as imposed by this Hon'ble Court for granting such interim custody in favour of the petitioner towards the vehicle bearing Regn No. KA-53-AA-1284, pending disposal of WP 18749 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of Sri P VASU SEKHAR Advocate for the Petitioner, GP for Prohibition and Excise for Respondent Nos 1 and 2, and GP for Home for Respondent Nos 3 and 4, the Court made the following

ORDER:

Rule Nisi. Call for records.

Notice returnable in four (04) weeks.

There shall be interim suspension of Proceedings issued by the 2nd respondent in Cr.No.1852/2021/SEB/C, dated 04.08.2021, confirming the order issued by the 3rd respondent in Rc.No.419/SEB/2020, dated 27.03.2021.

It is represented by the learned counsels appearing for both sides that during confiscation proceedings, the seized vehicle was released in favour of the petitioner. As such, the interim custody of the vehicle shall be continued with the petitioner on the same terms and conditions, pending disposal of the Writ Petition.

Sd/-K.TataRao
ASSISTANT REGISTRAR

//TRUE COPY//

For SECTION OFFICER

To,

1. The Prl. Secretary, Home Department Prohibition and Excise, AP secretariat, Velagapudi, Guntur District
2. The Commissioner of Special Enforcement Bureau A.P., cum Prohibition and Excise, Vijayawada, Andhra Pradesh.
3. The Superintendent of Police, Ananthapuram District, Ananthapur.
4. The Station House Officer, SEB Police Station, Hindupur, Ananthapur District.

(Addressee Nos 1 to 4 by RPAD)

5. One CC to SRI. P VASU SEKHAR 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 A.P., at Amaravati (OUT)
8. One spare copy

Skm

HIGH COURT

DEVJ

DATED:02/09/2021

ORDER

WP.No.18749 of 2021

INTERIM SUSPENSION

