

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE FIFTH DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND



IA No. 2 OF 2021

IN

WP 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/Petitioner

AND

1. The State of Andhra Pradesh, rep. by its Prl. Secretary, Home Department Prohibition and Excise, AP secretariat, Velagapudi, Guntur District.
2. The Commissioner of Special Enforcement Bureau Andhra Pradesh-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/Respondents ✓

Counsel for the Petitioner :SRI P VASU SEKHAR

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 4<sup>th</sup> respondent to release the vehicle bearing No. KA-53-AA-1284, pending disposal of WP No. 18749 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:

"This application is filed seeking to release the vehicle bearing No.KA-53-AA-1284 in favour of the petitioner.

On 02.09.2021, this Court admitted the Writ Petition filed by the petitioner and there is an interim suspension of the proceedings issued by the 2<sup>nd</sup> respondent dated 04.08.2021.

Basing on the representation made by the counsels, at that stage, this Court observed that the interim custody of the vehicle shall be given to the petitioner on the same terms and conditions passed while releasing the vehicle during the confiscation proceedings.

Now, the learned counsel for the petitioner submitted that his vehicle was not released and it is still in the custody of the respondents.

The learned Government Pleader appearing for the respondents submits that the petitioner failed to produce the security to release the vehicle and due to that reason, the vehicle is not released.

Having heard the submissions of both the counsels, in the considered opinion of this Court, it is appropriate to direct the respondents to release the confiscated vehicle in favour of the petitioner due to reason that the vehicle is kept in the police station premises from its date of seizure to till now and there is

every possibility for damage of the vehicle due to exposure to sun and rain and it will lose its road worthiness. It is not useful for the petitioner and the respondents also, if vehicle is further damaged.

Accordingly, there shall be an interim direction to the respondents to release the vehicle bearing No.KA-53-AA-1284 in favour of the petitioner on condition of furnishing immovable security of the property situated in the State of Andhra Pradesh equivalent to the value of the seized vehicle within the period of two(2) weeks from today. The petitioner shall not alienate the vehicle or change its physical features pending finalization of this Writ Petition."

SD/- SHAIK MOHD. RAFI  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

Foi \_\_\_\_\_

To,

1. The Prl. Secretary, Home Department Prohibition and Excise, State of Andhra Pradesh, AP secretariat, Velagapudi, Guntur District.
2. The Commissioner of Special Enforcement Bureau Andhra Pradesh-cum-Prohibition & Excise, Vijayawada, Andhra Pradesh.
3. The Superintendent of Police, Ananthapuram District, Ananthapur.
4. The Station House Officer, SEB Police Station, Hindupur, Ananthapur District.  
(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 Andhra Pradesh. [OUT]
8. One spare copy.

MSB



**HIGH COURT**

**DEV,J**

**DATED:05/11/2021**

**ORDER**

**POST ON 19.11.2021**

**IA No. 2 OF 2021  
IN  
WP.No.18749 of 2021**

**INTERIM DIRECTION**

