

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
THE HON'BLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO. 5031 of 2023

Between:-

Gorla Srinivas Rao		Petitioner
And		
The State of Andhra Pradesh, Represented by its Principal Secretary, Revenue (Prohibition and Excise) Department., & 2 others		Respondents
Counsel for the Petitioners	:	Mr. B. Jaya Prabhakara Rao
Counsel for the Respondents	:	G.P for Prohibition and Excise & G.P for Home

ORDER:

Heard the learned counsel for the petitioner, learned Assistant Government Pleader for Prohibition and Excise. With the consent of both the Counsel, the Writ Petition is disposed of at the stage of admission.

2. Learned Counsel for the petitioner with reference to the averments made in the Writ Petition submits that the petitioner is the owner of Maruti Suzuki Vitara Breeza ZXI Car bearing No.AP37DX0333. He submits that on the allegation that petitioner is illegally transporting liquor, a crime was registered against the petitioner and the said vehicle was seized by the Excise Authorities. He submits that the petitioner is innocent and the said crime was registered only for statistical purposes and there is no truth in the allegations made against the writ petitioner. He also submits that the vehicle is exposed to the vagaries of nature and though the petitioner made representation dated 21.02.2023 to the 2nd respondent seeking for interim custody of the same, so

far no action has been taken and in those circumstances, the petitioner is constrained to approach this Court seeking appropriate directions. Learned Counsel further submits that in similar circumstances directions were issued for release of vehicles seized by the Excise Officials, subject to certain conditions, vide order dated 08.07.2022 in W.P No.19736 of 2022, etc;

3. The learned Assistant Government Pleader for Prohibition and Excise has not disputed the said orders granting the release of the seized vehicles on certain conditions.

4. This Court has considered the submissions made by the learned counsel for the petitioner and perused the order dated 08.07.2022 and inclined to dispose of the present Writ Petition, on similar lines, with the following directions:

1) The 2nd respondent is directed to consider the representation of the petitioner dated 21.02.2023 and release the seized vehicle in favour of the petitioner on condition of submitting immovable security equivalent to the value of the seized vehicle as assessed by the 2nd respondent through the Road Transport Officials, within a period of one week from the date of receipt of a copy of this order.

2) The petitioner shall not alienate or mortgage the vehicle and it has to be produced before the respondent-Authorities as and when it is required for enquiry pending confiscation proceedings;

5. There shall be no order as to costs. As a sequel, miscellaneous applications, if any, pending shall stand closed.

JUSTICE NINALA JAYASURYA

Date: 01.03.2023

Note: Issue C.C by 06.03.2023

B/o

GVK

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

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Date: 01.03.2023

GVK