



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

[3329]

FRIDAY ,THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7192/2025

Between:

M Balaji Muthusamy

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. TRIMOORTHY K G

Counsel for the Respondent(S):

1. GP FOR PROHIBITION EXCISE

2. GP FOR HOME

The Court made the following:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION NO: 7192/2025****ORDER:**

The present writ petition is filed under Article 226 of the Constitution of India seeking following relief:

“to issue an appropriate order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent No.4 in not releasing the petitioner vehicle i.e., Motorcycle bearing Registration No.TN 73 AE 1453, Honda Shine Disc, Colour-Black, Chassis No.ME4JC855BMG052546, Engine No.JC85EG0254688 seized by the respondent No.4 in connection with the Crime No.164 of 2024 dated 08.11.2024 in Yadamari Police Station, Chittoor District in spite of the petitioner readiness and willingness to comply with the terms and conditions of the respondent No.4 is illegal, arbitrary, unjust malafide and against the violation of Articles 14, 19 (1) (g) and 21 of Constitution of India and consequently direct the respondent No.4 to release the vehicle i.e., Motorcycle bearing Registration No.TN 73 AE 1453, Honda Shine Disc, Colour-Black, Chassis No.ME4JC855BMG052546, Engine No.JC85EG0254688 of the petitioner and pass such other order or orders....”

2. Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

3. The petitioner herein is the Owner of Vehicle bearing No.TN 73 AE 1453, Honda Shine Disc, Black Colour. The said vehicle was involved in the incident of bootlegging and an F.I.R has been registered on 08.11.2024

bearing F.I.R.No.164 of 2024 on the file of Yadamari Police Station, Chittoor District. Consequently, the Vehicle was also seized which is carrying 38 Manjeera blue premium deluxe whisky 180 ml bottles and 2 Andhra gold fine whisky 180 ml bottles total consisting of 9 liters worth Rs.6,500/- unauthorizedly.

4. The petitioner has filed the present writ petition seeking release of the said Vehicle. He would submit that he will subject himself to any condition imposed by this Court.

5. This court issues the following directions:

- I. The petitioner shall file a personal affidavit before the Registry undertaking to indemnify the cost of the Vehicle as fixed by the Motor Vehicle Inspector on account of any adverse order passed against the petitioner in the future.
- II. The petitioner shall produce the Vehicle in question as and when required in connection with the trial of the offence.
- III. The petitioner shall not put the vehicle in question to any use other than his personal use.
- IV. The petitioner shall not tamper with the Vehicle in any manner and shall maintain the same in good condition.

6. This Court has bestowed its mind on the nature of conditions which are sought to be imposed for the release of the Vehicle. The Vehicle of the Petitioner is only involved in an incident of bootlegging carrying 38 Manjeera

blue premium deluxe whisky 180 ml bottles and 2 Andhra gold fine whisky 180 ml bottles total consisting of 9 liters worth Rs.6,500/- unauthorizedly. In this view of the matter, this Court is of the opinion that imposition of onerous conditions for release of Vehicle is unwarranted in such minor cases of bootlegging. At this stage, it is also to be clarified that this relaxed condition can be given only in cases of bootlegging of minor nature.

7. With the above directions, this Writ Petition is disposed of. After filing the personal affidavit by the petitioner, the Registry is directed to retain the same. Registry is further directed to attach a copy of the Affidavit filed by the petitioner along with the copy of this Order. No order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

21.03.2025
TPS

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THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.7192 of 2025

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