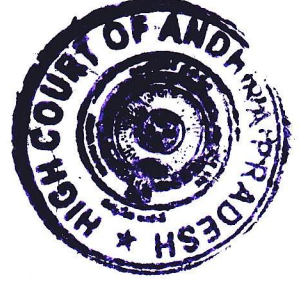




IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)



THURSDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 26819 OF 2025

Between:

Shaik Asma, W/o. Shaik Yakub Basha, aged 35 years, Occ-
Housewife, R/o. HP Petrol Bunk Backside, Buttaigudem Road,
Jangareddigudem Town and Mandal, Eluru District

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Prohibition and Excise Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Superintendent of Police cum Confiscating Authority, Eluru District at Eluru.
3. The Station House Officer, Jangareddigudem Police Station, West Godavari 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 inaction on the part of 2nd respondent on my representation dated 12.08.2025 submitted for release of my seized Maruti Suzuki Swift Dzire bearing Registration No. AP 37 CN 8008

in Crime No. 228/2025 registered under Section 34(a) of Andhra Pradesh Excise Act as illegal, irregular, irrational and violative of the provisions of said statute and offends Articles 14, 21 and 300-A of Constitution of India, and consequently direct the respondents to release my said vehicle without insisting for depositing any amount, and by considering the case has been compounded in Lok Adalat, challan amount has been paid, and the accused persons have been acquitted.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to release my vehicle Maruti Suzuki Swift Dzire bearing Registration No. AP 37 CN 8008 in Crime No. 228/2025 on the file of Jangareddigudem police station without insisting for producing any fixed deposit, pending disposal of the main Writ Petition, considering the Lok Adalat compromise, first-time offence nature, and payment of required challan amount.

Counsel for the Petitioner: SRI GARSIKUTI SRI RAJA VARDHAN

Counsel for the Respondent No.1: GP FOR PROHIBITION EXCISE

Counsel for the Respondent Nos.2 & 3:GP FOR HOME

The Court made the following order:



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

[3330]

**THURSDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

**PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

WRIT PETITION No. 26819 of 2025

Between:

1. SHAIK ASMA, , W/O. SHAIK YAKUB BASHA, AGED 35 YEARS,
OCC- HOUSEWIFE, R/O. HP PETROL BUNK BACKSIDE,
BUTTAIGUDEM ROAD, JANGAREDDIGUDEM TOWN AND
MANDAL, ELURU DISTRICT

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT, PROHIBITION AND EXCISE
DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI,
GUNTUR DISTRICT.
2. THE SUPERINTENDENT OF POLICE CUM CONFISCATING
AUTHORITY, ELURU DISTRICT AT ELURU.
3. THE STATION HOUSE OFFICER, JANGAREDDIGUDEM
POLICE STATION, WEST GODAVARI DISTRICT.

...RESPONDENT(S):

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 inaction on the part of 2nd respondent on my representation dated 12.08.2025 submitted for release of my seized Maruti Suzuki Swift Dzire bearing Registration No. AP 37 CN 8008 in Crime No. 228/2025 registered under Section 34(a) of Andhra Pradesh Excise Act as illegal, irregular, irrational and violative of the provisions of said statute and offends Articles 14, 21 and 300-A of Constitution of India, and consequently direct the respondents to release my said vehicle without insisting for depositing any amount, and by considering the case has been

compounded in Lok Adalat, challan amount has been paid, and the accused persons have been acquitted.

Counsel for the Petitioner:

1. GARSIKUTI SRI RAJA VARDHAN

Counsel for the Respondent(S):

1. GP FOR PROHIBITION EXCISE
2. GP FOR HOME

The Court made the following:

ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction on the part of 2nd respondent on my representation dated 12.08.2025 submitted for release of my seized Maruti Suzuki Swift Dzire bearing Registration No.AP 37 CN 8008 in Crime No.228/2025 registered under Section 34(a) of Andhra Pradesh Excise Act as illegal, irregular, irrational and violative of the provisions of said statute and offends Articles 14, 21 and 300-A of Constitution of India, and consequently direct the respondents to release my said vehicle without insisting for depositing any amount, and by considering the case has been compounded in Lok Adalat, challan amount has been paid, and the accused persons have been acquitted and pass such other orders...”

2. Precisely, the Writ Petition is filed seeking a direction to release the seized vehicle of the petitioner, i.e., Maruti Suzuki Swift Dzire bearing Registration No.AP 37 CN 8008.
3. Learned counsel for the petitioner relied on the orders of this Court in W.P.No.10256 of 2020 and batch cases and urges this Court to extend the similar order to the petitioner herein.
4. Learned counsel appearing for the petitioner would submit that the petitioner is the registered owner of the subject vehicle and the police have illegally seized the vehicle of the petitioner in Crime No.228 of 2025 dated 21.07.2025 for the offence under Section 34(a) of the Andhra Pradesh Excise Act, 1968. The petitioner had no knowledge of any alleged prohibited activities. Therefore, learned counsel for the

petitioner requests this Court to direct the respondents to release the vehicle.

5. The petitioner further submits that the alleged offence has been compounded in the Lok Adalat at Jangareddigudem constituted under the Mandal Legal Services Committee under Section 19 of Legal Services Authorities Act, 1987. The Presiding Judge Sri Ch.Kishore Kumar and Advocate Member Sri M.Gangaraju passed an Award under Section 21 of Legal Services Authorities Act, 1987 on 13.09.2025 in Lok Adalat Case No.456/2025 corresponding to C.C.No.187/2024, Cr.No.57/2024. In the said Lok Adalat proceedings, the Station House Officer, Jeelugumilli P.S. voluntarily compounded the offence punishable under Section 34(a) of A.P. Excise Act (Amended), 2023 against accused Sk.Khasim. The Lok Adalat specifically noted that:

- (a) The alleged offence was committed for the first time by the accused;
- (b) The offence falls under clause (a)(i) of Sub-clause (1) of Section 34(a) of A.P.Excise Act (Amended), 2023;
- (c) As per the Amendment Act, since the accused paid 3 times/5 times costs on seized liquor bottles, it is compoundable in nature;
- (d) The accused was hereby acquitted and bail bonds stand cancelled;
- (e) The accused paid compounding fee of Rs.6,500/- vide Challan No.91178091432025 dated 13.09.2025.

6. This Court on 26.09.2025 and 07.10.2025 has granted time to secure instructions and directed the learned State Counsel to secure instructions and the learned State Counsel is unable to secure instructions.

7. Keeping in view the above circumstances, this Court is inclined to dispose of the present Writ Petition by following the aforesaid orders of this Court, referred above.

8. Therefore, the writ petitioner herein is hereby directed to make an application to the 2nd respondent for release of the vehicle of the petitioner, i.e., Maruti Suzuki Swift Dzire bearing Registration No.AP 37 CN 8008, and, on filing such application, the 2nd respondent is directed to release the vehicle, as the matter was already settled before the Lok Adalat.

9. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

//TRUE COPY//

**Sd/- N NAGAMMA
ASSISTANT REGISTRAR**


SECTION OFFICER

To,

1. The Principal Secretary to Government, Prohibition and Excise Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Superintendent of PolicecumConfiscating Authority, Eluru District at Eluru.
3. The Station House Officer, Jangareddigudem Police Station, West Godavari District.
4. One CC to SRI. GARSIKUTI SRI RAJA VARDHAN Advocate [OPUC]
5. Two CCs to GP FOR PROHIBITION EXCISE High Court of Andhra Pradesh [OUT]
6. Two CCs to GP FOR HOME High Court of Andhra Pradesh [OUT]
7. Two CD Copies.

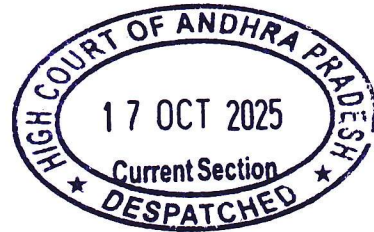
AL

HIGH COURT

DATED:09/10/2025

ORDER

WP NO. 26819 OF 2025



DISPOSING OF THE W.P. WITHOUT COSTS