



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

[3328]



THURSDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 28446/2024

Between:

1.ALLURI VENKATA SRINIVAS, S/O. VENKATESWARA RAO AGED
ABOUT 45 YEARS, OCC. BUSINESS, R/O. D.NO.4-105, NANDIGAMA
TOWN, NTR DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, PROHIBITION AND EXCISE DEPARTMENT,
SECRETARIAT, VELAGAPUDI, AMARAVATHI.

2.THE COMMISSIONER, PROHIBITION AND EXCISE DEPARTMENT,
VIJAYAWADA, NTR DISTRICT.

3.THE DISTRICT PROHIBITION AND EXCISE OFFICER, NTR
DISTRICT AT VIJAYAWADA.

4.THE DEPUTY COMMISSIONER OF PROHIBITION AND EXCISE,
VIJAYAWADA, NTR DISTRICT.

5.THE DEPOT MANAGER, ANDHRA PRADESH BEVERAGES
CORPORATION LIMITED (APBCL) IML DEPOT,
NIDIMANURU/GOLLAPUDI, NTR DISTRICT.

6.THE STATION HOUSE OFFICER, PROHIBITION AND EXCISE
STATION, NANDIGAMA, NTR DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1.P S P SURESH KUMAR

Counsel for the Respondent(S):

1.GP FOR PROHIBITION EXCISE

The Court made the following:**Oral Order:**

Heard Sri P.S.P Suresh Kumar, Learned Counsel for the Writ Petitioner and Sri M. Srinu Babu, Learned Assistant Government Pleader for Prohibition & Excise.

2. The Learned Counsel for the Writ Petitioner has taken this Court through the contents of the Impugned Order dated 30.11.2024 (Ex.P.1). The facts would indicate that the Official Respondents have seized 31 liquor bottles of 180 ml each from the person who is running a pan shop. It is also stated in the Impugned Order that on questioning, the shopkeeper of the pan shop has said that he has resorted to this Illegal business of the unauthorised sale of liquor bottles to augment his income in order to meet his family expenses.

3. The Impugned Order, prima facie, does not indicate that there is any nexus between the Writ Petitioner, who is the owner of the liquor shop and the owner of the Pan Shop.

4. In this view of the matter, this Court, prima facie, is of the opinion that the balance of convenience lies in favour of the Writ Petitioner. Accordingly, the Impugned Order dated 30.11.2024 bearing Rc.No.233/2024/A3 shall remain suspended until further orders.

5. Let Counter Affidavit be filed within two weeks.

6. It is clarified that this Order does not preclude the Official Respondents from proceeding with the enquiry that is sought to be undertaken

against the owner of the Pan Shop. During the course of the investigation, if any nexus between the Pan Shop owner and Petitioner is established, the Official Respondents are at liberty to file an Application before this Court for modification of this Order.

7. Post on 21.12.2024.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 05.12.2024
DSV