

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.02.10 15:33
I attest to the accuracy and
authenticity of this document

CRM No. M-13060 of 2014 (O/M)
Date of decision : 6.2.2015

Gagan

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sandeep Gupta, Advocate, for the petitioner.
Mr. Chetan Sharma, Assistant A.G., Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

-.-

-.-

KULDIP SINGH, J. (ORAL)

Reply filed by the State in Court is taken on record.

Present petition has been filed for quashing the order dated 23.1.2014 (Annexure-P-3), passed by the learned Additional Chief Judicial Magistrate, Palwal, vide which the *Superdari* of illicit liquor in this case was refused to the petitioner.

During the course of hearing, the learned State counsel was directed to verify whether the petitioner was having a valid liquor permit.

It has been reported that the liquor licence (L-14) is valid. However, the permit to transport/gate pass for transportation on the day of recovery is found to be forged. The petitioner has also produced on file writing dated 24.2.2014 (Annexure-P-5), given by the owner of the godown, showing that the material was being

transported from wholesaler (i.e. L-13/L-14 retailer).

The learned State counsel has not denied the fact that the liquor is licit and it is purchased from the wholesaler and was being transported to the retailer. However, the permit to transport the liquor was not valid one and forged.

It being so, once it is found that the liquor was licit and validly purchased and the petitioner has got the licence to sell the same on his L-13 liquor vend, there is no ground to detain the liquor by refusing the same to the petitioner on *Superdari*. As such, the order 23.1.2014 (Annexure-P-3), passed by the learned Additional Chief Judicial Magistrate, Palwal, is set aside. The liquor is ordered to be released to the petitioner on *Superdari* to the satisfaction of the learned Additional Chief Judicial Magistrate, Palwal, after taking photographs of the case property, which shall be exhibited during trial as proof of the recovery.

Petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

6.2.2015
sjks