NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Cr.M.P.No.972 of 2015

Awadh Ram Satnami, Aged about 60 years, S/o:- Pirid Satnami, R/o:- Village – Narda Kasdol, Civil & Revenue District Baloda Bazar (CG)

---Petitioner

Versus

State of Chhattisgarh Through District Magistrate, District-Janjgir-Champa, Civil & Revenue District-Janjgir-Champa (CG)

---Respondent

For Petitioner	:	Mr.Hemant Gupta, Advocate
For Respondent	:	Mr.Ravi Bhagat, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

23/06/2020

1. Proceedings of this matter have been taken up through video conferencing.
2. The excise authorities seized total 127 boxes of liquor from custody of the petitioner, for which he applied, which has been rejected by the impugned order.
3. Mr.Hemant Gupta, learned counsel for the petitioner would submit that the impugned order rejecting his application is unsustainable and bad in law and in fact, liquor has already been sold and amount has been deposited in government treasury and as such, the petitioner is entitled

for money.

4. On the other hand, Mr.Ravi Bhagat, learned Deputy Government Advocate for the respondent/State, would support the impugned order.

5. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.

6. In deciding the application the principle of law laid down by the Supreme Court in the matter of **Sunderbhai Ambalal Desai v. State of Gujarat**[1] has not been followed and rejected the application in a cryptic manner.

7. Accordingly, the impugned order is set aside. The matter is remitted to the Chief Judicial Magistrate, Janjgir-Champa, who shall consider the application of the petitioner after hearing the parties and take a decision afresh. The parties are at liberty to make submissions.

8. The CrMP is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)
JUDGE

1 2002(10) SCC 283