

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-19396 of 2020

Date of Decision: August 25,2020

Bikramjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Krishan Kumar Thakur, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

HARINDER SINGH SIDHU,J

By filing this petition under Section 482 Cr.P.C, the petitioner has challenged the order dated 03.06.2020 (P.3) of Judicial Magistrate, Ist Class, Ferozepur dismissing the application of the petitioner for release of his vehicle on Sapurdari. Challenge is also to the order dated 20.06.2020 (P.5), whereby, revision of the petitioner challenging the aforesaid order, was dismissed by the Ld. Sessions Judge, Ferozepur.

The vehicle (Canter) bearing Reg. No.PB-30-G-9962, owned by petitioner Bikramjit Singh was taken into possession by the Police in case FIR No.0027 dated 25.04.2020, registered at Police Station Ghall Khurd under Section 61 of the Punjab Excise Act, 1914 and Section 188 of the Indian Penal Code, 1860.

Reply has been filed by way of affidavit of DSP (SD Rural), Ferozepur stating that on a secret information, the vehicle in question which was parked in the area of Mudki was searched and two persons sitting therein were apprehended. They disclosed their names as Akash s/o Mattu and Rohit @ Sonu s/o Nathaniyal, both residents of Ferozepur Cantt.

During checking of the vehicle 333 boxes of Vodka Green, 647 boxes of Punjab Heer Sofia, 270 boxes liquor without any label, total 15000 bottles of illicit liquor were recovered. The two persons failed to produce any bill or license for the same. It is stated in the reply that the vehicle was also found to have been involved in FIR No.268/2017 under Section 61 of the Excise Act, Police Station City Faridkot and the original documents of the vehicle were attached with the said file.

Learned counsel for the petitioner argued that the petitioner is not involved in any of the two cases, referred to in the reply. He further stated that the vehicle in question is the only source of livelihood of the petitioner, which is being used for transporting the goods and other commercial purposes. He has also referred to certain documents (Colly P.6) issued by different Transport Companies. It is further stated that if the vehicle is not released, then it will be an irreparable loss to the petitioner as it will turn into junk since it is lying stationary in open in the Police Station for the last about four months. The petitioner undertakes to give surety for the release of the vehicle.

Having heard Ld. Counsel for the parties and without commenting on the merits of the case, this petition is allowed. The impugned orders are set aside. The vehicle in question (PB-30-G-9962) is directed to be released on Sapurdari, subject to furnishing of adequate surety to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned.

August 25, 2020
manoj

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No