



CRM-M-5800-2025(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

157

CRM-M-5800-2025(O&M)
Decided on : 03.02.2025

Kamalpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Amandeep Saini, Advocate for the petitioner.

SANJAY VASHISTH, J.

1. By way of present petition under Section 528 of BNSS, 2023, petitioner is seeking quashing of impugned order dated 11.10.2024 passed by Additional Chief Judicial Magistrate, Ludhiana, in case arising out of FIR No. 179, dated 02.10.2024, under Sections 61, 78(2) of the Excise Act, 1914, registered at Police Station Division No.5, District Ludhiana, whereby condition of furnishing *superdari* bonds in the sum of Rs.10,00,000/- with one surety in the like amount alongwith bank guarantee of equivalent amount, was imposed for the release of vehicle, i.e. Car make Hyundai Verna, bearing registration No. PB-43G-2994, on *superdari*. Further, quashing of the order dated 04.12.2024, passed by the Revisional Court, has been sought whereby while dismissing the revision, order dated 11.10.2024 passed by the Trial Court, has been affirmed.

2. In the said criminal case, petitioner is facing the allegation of selling the liquor illegally. The vehicle used by him, i.e. Car make Hyundai Verna bearing registration No.PB-43G-2994, was recovered by the police, and while allowing the application filed by the petitioner for



releasing of the said vehicle on *superdari*, Additional Chief Judicial Magistrate, Ludhiana, has imposed condition of furnishing *superdari* bonds in the sum of Rs.10,00,000/- with one surety amount in the like amount alongwith bank guarantee of equivalent amount.

The revision filed against the said order has also been dismissed by the Additional Sessions Judge, Ludhiana. Hence, the petitioner is before this Court.

3. Learned counsel for the petitioner contends that the vehicle is lying in the police station since October, 2024 and same is parked in open space. He further expresses his apprehension that it may be used unauthorizedly at the instance of the officials who are posted at the police station.

4. By submitting that in the similar circumstances such an issue has been examined by the co-ordinate Bench of this Court in the case of 'Arshdeep Singh V. State of Punjab' (CRM-M-18703-2020, decided on 23.02.2021). Learned Counsel submits that the condition imposed by the Court for release of goods/vehicle etc. on *superdari*, should be reasonable and of such a nature which can be easily complied by the owner.

Thus, prays for modification of the condition imposed by learned Court below and seeks reduction in the amount as imposed by the learned Additional Chief Judicial Magistrate, Ludhiana.

5. After hearing learned counsel for the parties and considering the hardship being faced by the petitioner, who has been unable to get his vehicle released for the last about 03 months; during which it is lying unused and parked in police station in open space; and in case the

petitioner is not able to get it released on *superdari*, it may outlive its life, this Court deems it appropriate to substitute the condition of furnishing bank guarantee of Rs.10,00,000/- with furnishing of personal bond in a sum of Rs.3,00,000/- and additional security bond of Rs.3,00,000/-.

6. Accordingly, present petition is **allowed**, and the impugned orders dated 11.10.2024 and 04.12.2024 (Annexures P-3 & P-4), passed by learned Courts below are modified in the above terms.

03.02.2025
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(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned: YES/~~NO~~

Whether Reportable: ~~YES~~/NO