IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No.2955 of 2026
Reserved on: 07.04.2026
Pronounced on: 16.04.2026
Uploaded on: 17.04.2026

Whether only operative part of the judgment is Pronounced or the full judgment is pronounced: operative part/full judgment

Rizvi Sharma

…Petitioner

Versus

State of Haryana

…Respondent

CORAM: ***HON'BLE MS. JUSTICE MANDEEP PANNU***

Argued by:- Mr. Dilraj Singh Bhinder, Advocate and
Ms. Indira, Advocate
for the petitioner.

Mr. Vaibhav Sharma, AAG, Haryana.

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MANDEEP PANNU, J.

1. This is a petition under Section 528 of the BNSS for quashing of FIR No.184 dated 18.08.2024, registered under Section 61 of the Punjab Excise Act, 1914 (as amended by Haryana Amendment Bill, 2020) at Police Station Saha, District Ambala, along-with final report dated 28.04.2025 and all consequential proceedings arising therefrom.

2. Briefly stated, the facts of the case are that on 17.08.2024, during *naka-bandi* at Saha Chowk, two vehicles bearing Nos. PB-65-BF-3899 and PB-65-BE-5599 were apprehended and taken into police possession on the basis of secret information. The said vehicles were found

loaded with liquor, i.e, 1200 cases of Royal Player Premium Whisky (180 ml) and 500 cases of Tribe Traditional Blended Whisky (90 ml), respectively, which were being transported from Himachal Pradesh to Delhi. On the next day, i.e, 18.08.2024, the Excise Inspector, Ambala, upon verification, checked the documents as well as the liquor stock and found that the same matched with the government records, including L-34 manual pass and permits, and the stock was found to be correct. However, it was observed that the transit slip was not produced at the spot, which was stated to be mandatory as per the applicable excise policy. On the basis of the afore-said allegations and the application submitted by the Excise Inspector, FIR No.184 dated 18.08.2024 under Section 61 of the Punjab Excise Act, 1914 (as amended by Haryana Amendment Bill, 2020) was registered at Police Station Saha, District Ambala, and the investigation was set into motion.

3. Learned counsel for the petitioner contends that the petitioner is a law-abiding citizen and the present FIR has been wrongly registered despite the fact that the consignment of liquor was being transported with all valid and requisite documents, including L-34 manual pass and permits, and the same were duly verified by the Excise Inspector, who found the stock to be correct and in accordance with the government record. It is further contended that the entire case of the prosecution rests merely on the alleged non-production of the transit slip at the spot, which is at best a procedural lapse under Clause 12.13 of the Haryana Excise Policy 2024–25 and does not constitute any offence under Section 61 of the Act. It is

argued that such executive instructions do not have the force of a penal statute and cannot give rise to criminal liability, particularly when all other statutory requirements stood complied with. Learned counsel further submits that there was no intention (*mens rea*) on the part of the petitioner to illegally transport, sell or misuse the liquor, and the consignment was lawfully dispatched from Himachal Pradesh to Delhi, with no allegation of diversion, sale or storage within the State of Haryana. It is also argued that no loss of revenue has been caused to the State of Haryana, as the goods were only in transit and not meant for sale within the State. Lastly, it is contended that the continuation of criminal proceedings is an abuse of the process of law, as the essential ingredients of the alleged offence are not made out, the petitioner has clean antecedents, has not been declared a proclaimed offender, and the proceedings deserve to be quashed.

4. Learned State counsel, on instructions from the Investigating Officer, has opposed the present petition. However, it is fairly conceded that the entire case against the petitioner primarily rests upon the alleged non-production of the transit slip at the spot. It is submitted that as per the Haryana Excise Policy 2024–25 and the directions issued by the Excise and Taxation Commissioner, the transit slip was mandatory, and its absence constituted a violation of Clause 12.13 of the said policy. It is further contended that during investigation, the vehicles were found carrying huge quantities of liquor, which were taken into possession and the case property was seized. Though the documents pertaining to the consignment were later produced and verified, it is argued that at the time of interception, the

drivers failed to produce the transit slip, thereby attracting the provisions of the Act. It is also submitted that notices were issued during investigation, the petitioner joined investigation, and thereafter the final report has been presented before the trial Court and the case is now fixed for framing of charge. On these grounds, it is prayed that the petition be dismissed.

5. After hearing learned counsel for the parties and perusing the record, the question that arises for consideration before this Court is as to whether the impugned FIR is liable to be quashed or not. In the considered opinion of this Court, the petition deserves to be allowed and the FIR is liable to be quashed.

6. This Court finds that it is not disputed that the entire consignment was duly verified by the Excise Inspector and found to be in accordance with the requisite documents including permits and passes, and no discrepancy in the quantity or nature of liquor was found. The only allegation against the petitioner is the non-production of the transit slip at the spot, which, in the facts and circumstances of the present case, amounts merely to a procedural lapse and does not constitute an offence under Section 61 of the Act. It is further evident that there is no allegation of diversion, illegal sale, storage, or evasion of duty within the State of Haryana, and the transportation was an inter-State movement from Himachal Pradesh to Delhi. The essential ingredients of the offence are thus conspicuously absent. Even otherwise, the absence of *mens rea* and the subsequent verification of documents clearly negate any criminal intent on the part of the petitioner.

7. In view of the above, continuation of the criminal proceedings would amount to abuse of the process of law. Accordingly, the present petition is allowed and FIR No.184 dated 18.08.2024 registered under Section 61 of the Punjab Excise Act, 1914 (as amended by Haryana Amendment Bill, 2020) at Police Station Saha, District Ambala, along-with all consequential proceedings arising therefrom, is hereby quashed.

8. All pending applications, if any, also stand disposed of.

(MANDEEP PANNU)
JUDGE

16.04.2026
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No