

State Versus Saurabh CRM 1231-2022
FIR no. 299 of 2022
U/S 61 of Excise Act
PS Gadpuri, Palwal.

Present: Ld. APP for the State with Sh. Mahesh Kumar, Excise Inspector, Palwal.
 Sh. Shiv Kumar Rawat, Advocate for applicant/Bacchu Singh.

An application for Superdari of articles application for releasing the **174 bottles of English, 268, Addha, 532 Pavva, 24 Bottles Deshi Sharab, 24 Addha, 100 Pavva, 456 Bottles Beer** on moved being Area Magistrate. Police report sought and perused. Local Police has objection if the said articles are released in the favour of the applicant. Heard. At this stage, Ld. APP for the State argued that as per Section 72E and 72F of Punjab Excise Act, Intoxicants seized under the Act shall not be released and shall be disposed of in manner as may be prescribed. Further, it has also been mentioned that such articles/intoxicants shall be liable to be seized as per law as may be prescribed. At this, Ld. Counsel for applicant argued that instant intoxicants be released keeping in view the dictum of Sundar Bhai Amba Lal Desai case. Further he argued that no useful purpose shall be served by keeping the instant intoxicants under custody and it shall not be fruitful for him to get it released after the expiry of the year for which licence was granted to him for selling the afore-mentioned article/intoxicants. Further he had argued that he had also desptied licence on 18.07.2022 even before the registration of FIR in the instant case and further relied upon the challan filed along with the files for intoxicants of which he claims to be owner by virtue of licence No. 033L2208791 for the period from 12.06.2022 to 11.06.2023. At the stage, Ld. APP for the state argued that the instant case has been registered only on the basis of the said recovery as it was illegal for the accused to carry on his business where he was not authorized to carry out for the same. Keeping in view the arguments so advanced the articles/intoxicants sought to be released being case property, in this Court is not inclined to release the articles/intoxicants as prayed for by the applicant on superdari at this stage, keeping in view the Sections mentioned above. Superdari applicant stands dismissed and disposed of accordingly.

File be consigned to record-room or be tagged with the FIR/remand papers accordingly.

Announced in Open Court.

(Vikas Verma)
Judicial Magistrate Ist Class,
UID No. HR-0553,
Palwal. 13.10.2022.

Manju Steno Gr.III