

State Vs. Tejinder Kumar and others

Present: Sh. S.S. Saini, Ld. APP for the State.  
Sh. Sachin Kaushal, Advocate, counsel for the accused.

Heard on application filed by the prosecution under Section 78(2) Excise Act, wherein it has been averred that cars bearing Nos.PB-65U-9316 and PB-10BY-2566 were taken into police possession and the same was released in favour of Arvinder Kaur wife of Tejinder Kumar and accused Pardeep Kumar alias Happy as per orders of the court. Hence it is submitted that the directions may be issued to the owners to produce the said cars which were used to transportation of liquor and the same may be confiscated as per provisions under Section 78 (2) Excise Act.

After hearing the Ld. APP for the State and after perusal of the judicial file minutely, this court is of the considered view that the present application is not maintainable at this stage since both the cars in question have already been released to their owner on Sapurdari vide order dated 23.10.2020 and 16.04.2021 after receipt of police report in which it was submitted by the police that it has no objection if the vehicles in question may be released to its original owner as it was not required by the police in any other case. Accordingly, the present application stands dismissed. Papers be attached with the main file.

Date of Order: 11-07-2023  
*Vinod Kumar (Stenographer Gr.-I)*

(Jagmilap Singh Khushdil,PCS)  
Sub Divisional Judicial Magistrate  
Sri Anandpur Sahib/UID No.PB00342