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

CRM-M-6007-2025

Date of Decision: 03.02.2025

RINKU BABU

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Manu Sachdeva, Advocate,
Mr. Mudit Johar, Advocate and
Mr. Vikas Singh, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab

SANJAY VASHISTH, J. (Oral)

1. By way of present petition under Section 528 of BNSS, 2023, petitioner is seeking quashing of impugned order dated 30.07.2024 passed by the Chief Judicial Magistrate, Ludhiana in case arising out of FIR No.76 dated 29.06.2024 under Sections 61, 1 & 14 of Punjab Excise Act, 1914 registered at Police Station Saraba Nagar, District Ludhiana and order dated 04.12.2024 passed by Addl. Sessions Judge, Ludhiana, whereby condition of furnishing superdari bonds with one surety to the like amount along with bank guarantee of the same amount was imposed for the release of vehicle bearing registration No.PB-01-D-1363 on superdari.

2. Petitioner is facing the allegation of selling the liquor illegally. The vehicle used by him i.e. Maruti Ertiga car, bearing registration No.PB-



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01D-1363 was recovered by the police and now while ordering for release of the vehicle, learned Chief Judicial Magistrate, Ludhiana, has imposed a condition of furnishing of superdari bonds in the sum of Rs.8,00,000/- with one surety to the like amount along with bank guarantee to the tune of Rs.8,00,000/-.

3. The appeal filed against the said order as also been dismissed by the Addl. Sessions Judge, Ludhiana, vide order dated 04.12.2024, hence, the petitioner is before this Court.

4. Learned counsel for the petitioner contends that the vehicle is lying in the police station since June, 2024 and same is parked in open space, rather he is apprehensive of using it unauthorizedly at the instance of the officials who are posted at the police station.

5. In similar circumstances such an issue has already been examined by this Court in CRM-M-18703-2020. Wherein it has been observed that the direction should be of such a nature, which can be easily complied with, by the owner of the vehicle. Therefore, proposes to reduce the amount, which has been imposed by the learned Chief Judicial Magistrate, Ludhiana.

6. Considering the cited orders passed in CRM-M-18703-2020 titled as *Arshdeep Singh vs. State of Punjab*, CRM-M-24075-2022 titled as *Sumit Singh vs. State of Punjab*, CRM-M-44865-2024 titled as *Umesh Kumar vs. State of Punjab* and CRM-M-50275-2023 titled as *Happy Kumar vs. State of Haryana*, & after hearing learned counsel for the parties and considering the hardship being faced by the petitioner that he is unable to get his vehicle released for the last about 08 months and also in view of the fact that the vehicle is lying unused and parked in police

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station in a open space and may outlive its life, I deem it appropriate to substitute the condition of furnishing bank guarantee from Rs.8,00,000/- to Rs.3,00,000/- with furnishing of suuperdari bonds in a sum of Rs.3,00,000/- and additional security bond of Rs.3,00,000/-

7. Accordingly, the present petition is allowed and the impugned orders dated 30.07.2024 and 04.12.2024 (Annexures P-3 & P-4) passed by the Courts below is hereby modified.

8. With aforementioned modification, present petition stands disposed of.

February 03, 2025
Sangeeta

(SANJAY VASHISTH)
JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No