ITEM NO.54 COURT NO.5 SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 3764/2021

(Arising out of impugned final judgment and order dated 10-09-2020 in CWP-(PIL) No. 115/2020 passed by the High Court Of Punjab & Haryana At Chandigarh)

TARSEM JODHAN & ANR. **Petitioner(s)**

VERSUS

THE STATE OF PUNJAB & ORS. **Respondent(s)**

(With IA No. 30567/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 30566/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 21-11-2022 The matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) **Mr. Prashant Bhushan, AOR**
Mr. Cheryl D'Souza, Adv.
Mr. Baltej Sijngh Sidhu, Sr. Adv.
Mr. Lalit Kumar, Adv.

For Respondent(s) **Mr. Ajay Pal, AOR**
Mr. Mayank Dahiya, Adv.
Ms. Priyanka C., Adv.

UPON hearing the counsel the Court made the following
O R D E R

The allegation in the present special leave petition is with respect to the large scale illegal liquor manufacturing and sale in the State of Punjab. It cannot be disputed that because of the illegal manufacturing of liquor and that too sub-standard manufacture and transportation of liquor, hooch tragedies are taking place and the poor people are the sufferer because ultimately either it affects their health or even in many cases

many people have lost their lives.

An additional affidavit is filed on behalf of Respondent No.3 – Under Secretary to the Government of Punjab, Department of Excise & Taxation, pointing out some steps taken against the Distilleries/Bottling Plants/Breweries during 2020-21. Status Report is also filed on the respective First Information Reports (FIRs), which are 13 in number.

As such, we are not at all satisfied with the progress in the investigation. It appears that no serious efforts seem to have been made to reach out to the real guilty/culprits who are in business of manufacture and transportation of such illegal liquors. Cancelling the licences and/or recovery of penalties/duties is not sufficient. Even nothing has been pointed out that the penalties/duties levied are in fact paid or not.

Out of 13 FIRs, only in three cases, the challans are reported to be filed and with respect to remaining nine FIRs, the cases are under investigation. With respect to remaining FIRs, the investigations are reported to be pending. No particulars of FIRs against whom the challans are filed are disclosed. The Under Secretary to the Government of Punjab, Department of Excise & Taxation, is hereby directed to file (1) a detailed counter affidavit against the Distilleries/Bottling Plants/Breweries whose licences are reported to have been cancelled and/or penalties/duties are levied and whether any of them are prosecuted for the offences under the Indian Penal Code and the other offences or not; (2) whether the penalties/duties levied are recovered or not; (3) in three cases where the challans are reported to have

been filed against whom the challans are filed, the allegations in the FIRs and for what offences the challans are filed; (4) the particulars of each FIRs in the remaining cases, namely, against whom the alike FIRs are filed for what offences, the FIRs are filed what is the stage of investigation, who are arrested in connection with those FIRs.

In the short reply by way of an affidavit of one Sarabjit Singh, PPS, Assistant Inspector General of Police, Litigation, Bureau of Investigation, Punjab, Chandigarh, it appears that during the years from 2019 upto 31.05.2021, total 34,767 criminal cases are registered under the Punjab Excise Act, 1914. It is stated in the said reply that for the aforesaid period, there are 1270 illegal units/Bhatthis manufacturing illicit liquor unearthed and destroyed, the aforesaid is suggestive that large scale of illicit liquor is being manufactured in the State of Punjab, which shows the lack of periodical inspection and supervision by the concerned police officers/Excise Department due to which such units are functioning.

The concerned respondents are hereby directed to file a detailed counter affidavit/Status Report disclosing the relevant materials as observed hereinabove before the next date of hearing i.e. 05.12.2022.

Put up on 05.12.2022.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR