

GAHC010163812024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/2151/2024

TUSHAR SINGLA AND ANR
S/O SHRI PRAG RAJ SINGLA,
R/O HOUSE NO. 31, BYE LANE NO. 1, AJANTA PATH, SURVEY, BELTOLA,
GUWAHATI, PIN-781028.

2: PRAG RAJ SINGLA
S/O LATE T.L. SINGLA
R/O HOUSE NO. 31
BYE LANE NO. 1
AJANTA PATH
SURVEY
BELTOLA
GUWAHATI
PIN-78102

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP, ASSAM

2:INSPECTOR OF EXCISE
KAMRUP EXCISE CIRCLE

KAMRUP
GUWAHATI
ASSAM

PIN- 78100

Advocate for the Petitioner : MR. N J KHATANIAR, PRAKASH BORAH

Advocate for the Respondent : PP, ASSAM, MR. P N GOSWAMI (R-2)

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 17-09-2024

Heard Mr. B.K. Mahajan, learned counsel for the petitioner Nos. 1 Tushar Singla and 2. Prag Raj Singla, who have filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as they are apprehending arrest in connection with Excise Case No. NM/EX-06/2024 under Sections 53(1) (a) and (d) of the Assam Excise Act, 2000.

2. Heard Mr. D. Das, learned Additional Public Prosecutor for the respondent State and Mr. D. Gogoi, learned Standing Counsel for the Excise Department of Government of Assam, respondent No. 2.

3. The FIR unfolds that on 22.06.2024 at about 7 PM, on a tip off, Kamrup (M) Excise Team caught a person named Dindayal Chaubey of Buxar district of Bihar near Khanapara with some suspected fake liquor bottle caps in his vehicle bearing registration No. AS-01FN-7200. He was taken to his residence at Forest Gate, Narengi Tiniali and various objectionable items like suspected fake liquor bottle labels, fake liquor bottle caps, suspected flavor used for manufacturing alcoholic liquor, suspected caramel etc. were recovered from his residence. On being interrogated and confronted, he revealed that he was collecting the objectionable items to supply to one Sri Diganta Neog. It was further revealed that Diganta Neog was supposed to receive the items around 11.30 PM on the same date from Dindayal Chaubey from his residence. The Investigating Team waited for arrival of Diganta Neog and eventually caught him red handed while he was collecting and loading the objectionable items in his vehicle bearing

registration No. AS-01DY-7220.

4. It was further alleged that both the miscreants were brought to Kamrup Metro Excise Office for further interrogation and during interrogation, it was unearthed that Sri Diganta Neog was running a network of supplying the aforementioned fake articles throughout the State of Assam and some other parts of Northeast India for manufacturing of spurious liquor causing huge loss to the State exchequer as well as endangering human life.

5. It was also unearthed that one fake liquor manufacturing unit is functioning at Kokrajhar district and another team went to Kokrajhar on 23.06.2024 as led by the Deputy Superintendent of Excise Kamrup Metro along with Sri Diganta Neog. One fake liquor manufacturing establishment was found and huge quantity of fake labels, caps, ENA, caramel, empty plastic and glass bottles, mono cartoons and machines suspected to be used for fixing bottle caps and one blending vat, were recovered and seized.

6. It is submitted on behalf of the petitioners that nothing was recovered from them. They were not apprehended at the place of seizure. The petitioners are apprehending arrest as they have been roped in on the statement of co-accused. On 06.08.2024, a notice under Section 35(3) of the BNSS was issued against the petitioner No. 2.

7. The petitioners are manufacturers of PET bottle caps and aluminum caps in Assam and for the last 24 years they have been supplying bottles and caps to various industries such as FMCG, pharmaceutical, country liquor manufacturers etc. all over the Northeastern States. They have the required license and permission from the competent authority to run bottle manufacturing factory.

They are reputed industrialists and have distinctive reputation. They have already cooperated with the investigation and they are willing to cooperate with the remaining part of investigation.

8. An additional affidavit has already been submitted by the petitioner No. 2 that both the petitioners have prayed for pre-arrest bail, AB Case No. 226/2024 in connection with the present case. The learned Additional Sessions Judge No. 1, Kamrup (M) vide order dated 05.08.2024 rejected the bail application after perusal of the Case Diary. This fact could not be brought on record due to some inadvertent error. It is submitted that the petitioners are genuine businessmen with the manufacturing business of PET bottle caps and aluminum caps in Assam for the last 24 years.

9. Learned Standing Counsel Mr. D. Gogoi for the Excise Department has submitted that the petitioners are history-sheeters and earlier they had concealed that they had applied for pre-arrest bail and later, as damage control they have added an additional affidavit placing on record that their pre-arrest bail had earlier been rejected.

10. Learned Additional Public Prosecutor has submitted that this case can be termed as an economic offence. Labeling and bottling of spurious liquor are hazardous for the life of the people. Learned Standing Counsel for the Excise Department Mr. D. Gogoi has submitted that it has been wrongly submitted that the petitioners are being hounded by the Government who has taken side with the rivals of the petitioners. The petitioners have a huge bottling plant in Meghalaya as well as in Kokrajhar and they have been involved in nefarious activities. The Government has lost revenue. The petitioners are also flight risks and they have not cooperated with the investigation.

11. On the contrary, in reply to the submissions on behalf of the Excise Department and the State of Assam, the petitioners have submitted that they are not serial offenders but several false cases have been slammed against them. The petitioners are willing to cooperate with the investigation if they are granted pre-arrest bail

12. I have perused the Case Diary/progress report. Indeed there are incriminating materials in the Case Diary against the petitioners. Petitioner No. 1 is the son of petitioner No. 2. I have considered the role attributed to the petitioners. The merits of this case are not brought to the fore as investigation is still under progress and it is at its nascent stage. However, at this juncture there appears to be no justified ground to grant the privilege of anticipatory bail to the petitioners. Hence, petition is rejected at this stage. I have considered the submissions at the bar with circumspection and at this juncture, I deem it proper to reject the petition.

13. In terms of the above observation, this Anticipatory Bail application stands disposed of.

14. Send back the Case Diary.

JUDGE

Comparing Assistant