

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

**CRM No.M-30609 of 2015
Date of Decision: 01.10.2015**

Mahender Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. P.K. Ganga, Advocate
for the petitioner.

Mr. Sanjay Kumar, AAG, Haryana,
for the respondent.

NARESH KUMAR SANGHI, J. (ORAL)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner-Mahender Kumar, who has been booked for having committed the offences punishable under Sections 420 and 468 of Indian Penal Code and Sections 61, 63 and 63-A of the Punjab Excise Act, 1914 and Section 65 of the Copyright Act, 1957, in a case arising out of FIR No.246 dated 22.07.2015, registered at Police Station, Sadar Dabwali, District Sirsa.

Learned counsel contends that just to save the real culprits, the petitioner has been falsely nominated in the present

case and that there is no material to show the involvement of the petitioner in the present case.

Learned counsel for the State after taking instructions from Sub-Inspector-Balbir Singh, Incharge Police Post, Chautala, under Police Station Sadar Dabwali, District Sirsa and going through the police file, submits that the petitioner in connivance with his co-accused was running illegal distilleries in Village Chautala. Huge spirit and packing material were recovered from the spot. The custodial interrogation of the petitioner would facilitate the investigating agency to unearth the fact as to where from such huge quantity of spirit and other material were procured and where the same were to be supplied.

I have heard learned counsel for the parties and with their able assistance, gone through the material available on record.

As per the prosecution version, a secret information was received by the police that in an old house of Village Chautala, duplicate Indian made foreign liquor and illicit country made liquor were being bottled and if the raid was conducted, then a big haul of the contraband could be recovered. After receiving the secret information, a special investigating team was constituted and a raid was conducted at the house of Subedar-Reshampal Singh. The raiding party recovered 190 polythene packets having 120 empty plastic quarter each, 4 drums full of chemical spirit

(ethyl alcohol), 16 plastic empty drums, 5 empty canny plastic, 1 sealing machine along with caps and in addition thereto, the wrappers for packing the liquor containers were also recovered, from another room, 200 containers, 3 plastic bags containing caps mark 'Officer Choice' in addition to the caps of different famous brands of Indian made foreign liquors were also recovered. A machine for affixing caps on the bottles, a machine for sewing the plastic bags, 3 bottles full of chemical coloured dark brown and 2 plastic rolls were also recovered after drawing the samples. The material found at the spot was taken into police possession. Police memo was sent to the police station on the basis of which the present FIR was registered. During investigation, Mukh Ram alias Kalu and Sukhwinder Singh alias Midha, co-accused of the petitioner disclosed that at the behest of the petitioner, they were bottling illicit liquor. The custodial interrogation of the petitioner appears to be necessary in the present case so that the real facts are culled out.

No ground for grant of anticipatory bail is made out.

Dismissed.

(NARESH KUMAR SANGHI)
JUDGE

01.10.2015
Bhumika