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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Sr. No.105

CRM NO. M-37103 of 2016  
DECIDED ON: October 19, 2016

KEHAR SINGH @ NIKKA

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Avtar Singh Bhatti, Advocate,  
for the petitioner.

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JASPAL SINGH, J.

By virtue of the instant petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.179, dated September 08, 2016, under Section 61 of The Punjab Excise Act, 1914, registered at Police Station Tanda, District Hoshiarpur, during the pendency of trial.

2. Briefly stated, the instant case was registered on the basis of secret information received by Head Constable Jasvir Singh to the effect that petitioner Kehar Singh @ Nikka is habitual in selling illicit liquor. He has brought illicit liquor in vehicle No.PB-07-Y-4570 make ACE and is

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going towards Tanda via Rara. If naka is erected, he can be apprehended. Subsequently, a naka was held at T-point Swajpur, where the aforesaid vehicle was seen coming, which was signalled to stop. However, the driver of the said vehicle stopped the vehicle and fled away. Upon search of the said vehicle, two plastic canes, containing illicit liquor (40 bottles each) were recovered.

3. Learned counsel for the petitioner has contended that petitioner has been falsely implicated in the instant case. Alleged recovery of liquor has already been effected from the vehicle. Petitioner was not identified by any member of the police. It is also not the case of the prosecution that petitioner was driving the aforesaid vehicle at the time of nakabandi. Learned counsel further contended that petitioner is ready to join the investigation and shall abide by all the terms and conditions imposed upon him, in case, he is granted the concession of pre-arrest bail.

4. This court has given an anxious thought to the rival submissions made by learned counsel for the petitioner and have gone through the record available.

5. The alleged recovery of illicit liquor has been effected from vehicle No.PB-07-Y-4570. During investigation, it was revealed from the report received from the office of DTO, Hoshiarpur that the aforesaid registration number was reported to be that of a motor-cycle and the accused has affixed the forged number plate on the vehicle. In these circumstances, the custodial interrogation of the petitioner is necessary to unearth the actual facts. Moreover, 40 bottles containing illicit liquor have been recovered which itself is a serious offence.

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6. Thus, this court is of the considered view that no case for grant of interim bail to the petitioner is made out.
7. Dismissed.

**October 19, 2016**  
*Avin/Ankur*

**(JASPAL SINGH)**  
**JUDGE**

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|----------------------------------|---------------|
| <b>Whether Speaking/Reasoned</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>Yes/No</b> |