

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

CRM-M No.40479 of 2016.

Date of Decision: 05.12.2016.

Rajvir Singh

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. A.S. Bhatti, Advocate for the petitioner.

Mr. Ankur Jain, Assistant Advocate General, Punjab.

SNEH PRASHAR, J.

The petitioner is wanted in case First Information Report No.171 dated 23.08.2016 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Tanda, District Hoshiarpur. Apprehending his arrest, he has moved the instant petition seeking the benefit of anticipatory bail.

The accusation against the petitioner is that in pursuance of a secret information that he is in the habit of selling illicit liquor, when the police conducted a raid at his house, he managed to run away. On search of the house, 36 bottles of illicit liquor were recovered

The submissions made by Mr. A.S. Bhatti, learned counsel representing the petitioner and Mr. Ankur Jain, learned Assistant Advocate

General, Punjab have been heard.

Learned counsel for the petitioner submits that as per prosecution story, when the police conducted raid, a man ran away from the house and he was identified as the petitioner. The petitioner was not known to the police prior to the occurrence, therefore, his identification is not free of doubt. Learned counsel also submits that since recovery of the liquor bottles has already been effected and nothing remains to be recovered from the petitioner, he be given the benefit of anticipatory bail.

The petition has been opposed by learned State counsel as he submits that the custodial interrogation of the petitioner to trace the source of illicit liquor recovered from his possession, is necessary.

Prima facie there appears to be no doubt regarding identity of the petitioner when his name was mentioned in the First Information Report itself. The allegation is that he is engaged in sale of illicit liquor from his house. The source from which he procures the illicit liquor has to be detected. As such, considering the nature of allegation and without going into the merits of the case, I find no case for release of the petitioner on anticipatory bail and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

05.12.2016
jitender sharma

Whether speaking/ reasoned : Yes

Whether Reportable : No