

Bunty Singh and another

.....Petitioners

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTALPresent: Mr. Mikhail Kad, Advocate
for the petitioners

Mr. J.S. Walia, Sr. DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioners seek grant of anticipatory bail in case FIR No. 77 dated 27.05.2018 under Section 61 of Excise Act, 1914 registered at Police Station Chhajli, District Sangrur.

The allegation against the petitioners is that 240 bottles of country made liquor were recovered from them.

Learned counsel for the petitioners submits that recovery has already been effected and no useful purpose would be served by custodial interrogation of the petitioners. With reference to the reply filed by the State, it is submitted that there is only one case registered against Bunty Singh (petitioner No. 1) and Jagdev Singh (petitioner No. 2) has been acquitted in all the cases pending against him. Thus, anticipatory bail be granted to the petitioners.

The prayer is opposed by learned State counsel. He submits that an FIR under the Excise Act, 1914 has been registered against Bunty Singh (petitioner No. 1) on 27.06.2018 i.e. after registration of the present FIR, which shows that he is indulging in the same activities on recovery basis and, thus, he does not deserve the concession of anticipatory bail. So far as Jagdev Singh (petitioner No. 2) is

concerned, it is submitted that he has been convicted in another criminal case

although the said case is a case for having caused injury on account of rash and negligent driving. So far as Bunty Singh – petitioner No. 1 is concerned, it appears that he is an incorrigible person as he is still indulging in violating the provisions of the Excise Act, 1914 and, hence, he does not deserve the concession of anticipatory bail. The petition qua him is, accordingly, dismissed.

However, so far as petitioner No. 2 - Jagdev Singh is concerned, there is no other allegation of violation of the Excise Act, 1914 against him and the recovery has already been effected from him. Thus, petition qua him is allowed.

It is directed that in the event of arrest of petitioner No. 2 – Jagdev Singh, he shall be released on anticipatory bail to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned subject to the condition that he shall join the investigation as and when required to do so by the Investigating Agency and shall comply with the conditions enshrined under Section 438(2) of the Code of Criminal Procedure, 1973.

September 06, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No