

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

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CRM-M-42205-2018 (O&M)
Date of decision:28.09.2018

Ajay Kumar

...Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr.P.S.Ahluwalia, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

P.B. BAJANTHRI, J. (ORAL)

In the instant petition, petitioner has sought for grant of regular bail in case FIR No.68 dated 18.08.2018 under Section 61 of the Punjab Excise Act, 1914 and Section 420, 467, 468 and 471 of IPC (Sections 467, 468 and 471 of IPC added later on) registered at Police Station Sadar Rajpura, District Patiala

2. Learned counsel for the petitioner submitted that on 13.08.2018 FIR has been registered for the offences under Excise Act while consisting 6 bottles which was stated to be labelled with fake sticker of branded company liquor. In this regard petitioner's wife submitted representation to the Inspector General of Police and it has been marked to the Superintendent of Police for the purpose of considering the grievance of the petitioner's wife. When it is pending consideration petitioner was arrested on 18.08.2018 in respect of further allegations relating to petitioner is involved in illegal racket of liquor. On his disclosure statement on

20.08.2018, 195 boxes of liquor were recovered along with certain labels of the respective company of the liquor manufacturer.

3. Learned counsel for the petitioner submitted that in respect of FIR dated 13.08.2018 matter is pending consideration before the police authorities. There was no question of filing one more FIR on 18.08.2018, allegations are relating to offences under Excise Act which are punishable for a period of 3 years and alleged forgery has not made out.

4. Per contra, learned counsel for the respondent on instructions of SI Sohan Singh vehemently contended that there were recoveries on the petitioner's disclosure to the extent of 195 boxes of liquor which are fake and the allegations are that petitioner is involved in tampering the original liquors bottles while labeling bogus sticker whereby there is loss to the revenue to the State exchequer. So also bringing bad reputation to the original manufacturer of liquor. No doubt FIR dated 13.08.2018 is subject matter before the police authorities at the same time second FIR cannot be ignored for the reasons that on the petitioners disclosure 195 boxes of liquor has been ceased on 20.08.2018.

5. Heard learned counsel for the parties.

6. Contention of the petitioner is that FIR can be filed in respect of offences under Excise Act in view of first FIR dated 13.08.2018 where 6 bottles have been ceased. Reason for filing 2nd FIR is with reference to secret information read with disclosure statement of the petitioner and so also recovery of 195 boxes of liquor. Therefore, the contention of the petitioner that second FIR is impermissible cannot be accepted. The allegations relating to offences under Excise Act and 3 years is the punishment and there is no forgery. Insofar as forgery is concerned it is a

matter of investigation. Therefore, petitioner has not made out a case. Even though the punishment is 3 years one has to take note of the serious allegations against the petitioner insofar as tampering the original liquors and preparing fake by labelling the liquors. In view of these facts and circumstances, petitioner has not made out a case. Accordingly, petition stands dismissed, at this stage.

28.09.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No