

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-6109-2019 (O&M)
Date of Decision:-9.4.2019

Rakesh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in a case registered vide FIR No.98 dated 25.12.2018, Police Station Sadar, Rajpura, District Patiala under Section 61/1 of Punjab Excise Act, 1914 and Section 207 of Motor Vehicle Act, 1988.

The FIR was lodged on the basis of a secret information received on 25.12.2018 to the effect that the petitioner indulges in sale of liquor after purchasing the same at cheaper rates.

Pursuant to receipt of aforesaid information, barricading was raised and a canter truck bearing registration No.PB-04F-9827 was apprehended, which was being driven by the petitioner Rakesh Kumar. A search of the truck yielded recovery of 190 boxes (2280 bottles) of country made liquor-Crazy Romeo Whisky (for sale in Arunachal Pradesh) and 250

boxes (3000 bottles) of country made liquor Party Special Whisky (for sale in Arunachal Pradesh).

It is further the case of prosecution that during interrogation, the petitioner disclosed that he is working as a driver for Manpreet Singh @ Manna.

At the last date of hearing, this Court had asked the learned State counsel to furnish information as to whether the petitioner is involved in any other identical case and also as regards involvement of Manpreet Singh, with whom the petitioner is stated to be working as a driver.

A report by way of affidavit of Manpreet Singh, DSP, Rajpura has been filed by learned State counsel, which is taken in record, wherein it has been specifically deposed that as per police record neither the petitioner nor Manpreet Singh is involved in any other case.

It has been informed by learned State counsel that the petitioner has been behind bars since the last more than three months.

Having regard to the facts and circumstances of the case and while noticing that the petitioner is not stated to be a previous convict and has been behind bars since the last more than three months, the present petition is accepted and petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands accepted accordingly.

9.4.2019

rakesh

Whether speaking /reasoned

Whether Reportable

(Gurvinder Singh Gill)
Judge

Yes / No

Yes / No