

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

**CRM-M No. 7816 of 2019
Date of Decision:-10.05.2019**

Pardeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Pardeep Kumar has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.03 dated 05.1.2019, under Section 61/1/14 of the Punjab Excise Act, 1914, registered at Police Station Model Town, District Ludhiana.

As per FIR, a secret information was received by the police that one Pardeep Kumar (petitioner) s/o Om Pal, resident of House No.736, St. 9, Dr. Ambedkar Nagar, Dakka Colony, P.S. Model Town, Ludhiana used to bring liquor from vends from outside Ludhiana on cheaper rates and sell on higher rates without any permit or license. The police conducted raid at the disclosed place, but accused fled away from the spot, however, recovery of 19 boxes of illicit liquor was effected from the spot.

Learned counsel for the petitioner contends that the alleged

recovery of the liquor boxes was made from a vacant plot and the petitioner has been indicted only on the ground that his house is next to the said plot. According to him there is nothing to indicate that the alleged recovered liquor belongs to him.

On the other hand, learned State counsel, who is assisted by ASI Charanjit opposed the prayer for grant of relief to the petitioner and states that there are other cases pending against the petitioner. However, it is not disputed that the recovery was effected from a vacant plot, which is accessible to everyone.

At this stage, learned counsel for the petitioner further contends that like his house, there are other houses near the plot and it was inappropriate for the police to presume that the liquor belongs to petitioner only. According to him, custodial investigation of the petitioner is not necessary in the facts and circumstances of the case.

Considering the above background, the petition is allowed and in the event of arrest, the petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

May 10, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No