

S.No.216

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

CRM-M-11548 of 2019 (O&M)

Date of Decision:14.05.2019

Suraj Kumar and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Jitender Singh Dadwal, Advocate
for the petitioners.
Mr. Prabhjot Singh Walia, AAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioners under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.206 dated 28.12.2018 registered under Section 61 of Punjab Excise Act, 1914 at Police Station Goraya, District Jalandhar Rural.

Learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioners were driver and cleaner on the Canter from which the illicit liquor was recovered. It is further submitted that the petitioners are not the owner of the Canter in question. There is not even anything on record that the petitioners ever had taken said Canter on rent or lease. Despite that the original owner of the Canter is not any accused in the case. Still further, it is submitted that none of the petitioners is having any liquor business, directly or indirectly. There is no other case against the petitioners. Challan has already been filed. Therefore, the petitioners are not required for any investigation purposes.

On the other hand, learned State Counsel submits that the police have recovered 540 boxes of illicit liquor from Canter which was in possession of the petitioners. However, it is not disputed that none of the

petitioners is the owner of the Canter and that challan has already been filed in this case. It is also not disputed that there is no other case against the petitioners.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioners be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

May 14, 2019	(RAJBIR SEHRAWAT)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No