

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

CRM-M-45754-2018 (O&M)

Date of Decision:- 4.2.2019

Raj Kumar and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhishek Singh, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No.104, dated 17.9.2018, registered at Police Station Kotbhai, District Sri Muktsar Sahib, under Section 61 of the Punjab Excise Act and Sections 420, 465, 467, 468, 471 and 120-IPC.
2. The case of prosecution, in nutshell, is that on 17.9.2018 when a police party was present in connection with patrolling duty near Village Mallan, then a secret information was received to the effect that the petitioners had stored heavy quantity of liquor in a rented accommodation of accused Subash Chander after bringing the same from Chandigarh and Haryana at cheaper rates and were selling the

same to customers at odd hours. Pursuant to the aforesaid information a raid was conducted and 10 boxes of liquor marka 'Malta Haryana' were recovered from the back seat of Bolero vehicle and 266 boxes of Chandigarh Whiskey, 59 boxes of Malta Haryana and 71 boxes of Sounfi, Haryana were recovered from the rented accommodation. However, the petitioners were not arrested at the spot.

3. The learned State counsel, while opposing the petitioner has submitted that since petitioner is named in FIR and that huge quantity of liquor was recovered, no case for grant of bail is made out. It has however, been informed, that both the petitioners have joined investigation.
4. Having regard to the facts and circumstances of the case especially that the petitioners were not arrested at the spot and have already joined investigation, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and interim directions issued vide order dated 16.10.2018 are made absolute subject to the condition that the petitioners shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

February 4, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No