

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

CRM-M-23375-2019 (O&M)
Date of Decision:- 4.6.2019

Vikram ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.K.Khunger, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Vikram seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.72, dated 14.5.2018, registered at Police Station Sadar, Fazilka, District Fazilka, under Section 61 of the Punjab Excise Act, Section 15 of NDPS Act and Section 13 of Prevention of Corruption Act.
2. The FIR was registered on the basis of secret information to the effect that Karamvir Singh @ Gaggi, Vikram, Ram Dass Rao, Sudhir Bola and Vijay Kumar, indulged in supplying liquor, opium, heroin and poppy husk, which they procured from Rajasthan and Haryana.
3. It is further the case of the prosecution that Karamvir Singh @ Gaggi, who was arrested in another case i.e. FIR No. 30, dated 27.4.2019, at

Police Station Bahawala, under Section 61/1/14 of Excise Act, made a disclosure statement regarding his having kept contraband and pursuant to the said disclosure statement led to recovery of 5 k.g. of 'Poppy Husk' and 17 boxes of country made liquor from the fields adjoining to the defence road. It is further the case of prosecution that during interrogation, he disclosed that he was in league with the other persons named in the FIR.

4. Learned counsel for the petitioner has submitted that although he is named in the FIR but he was neither arrested at any point of time nor any recovery was effected and in these circumstances he is entitled to be released on bail.
5. Opposing the petition, learned State counsel has submitted that since the co-accused, against whom identical information was there, who was arrested in another case led the police party to the place where he had kept contraband and actually got recovered of 5 k.g. of 'Poppy Husk' and 17 boxes of country made liquor and later also disclosed the names of the present petitioner to be his accomplices, no case for grant of bail is made out. It has further been submitted that the petitioner is involved in two other cases registered under the Excise Act.
6. Having regard to the facts and circumstances of the case and bearing in mind that the petitioner was not arrested at the spot and is sought to be nominated on the basis of secret information as well as disclosure statement of the co-accused, the admissibility of which is yet to be tested during the course of trial, in my opinion, it is a fit case for grant

of anticipatory bail. The petition, as such, is accepted. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

June 4, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No