

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

CRM-M-14329-2020

Date of Decision: 08.06.2020.

Sourav Saini and another

...Petitioners.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Argued by: Mr. Gaurav Partap S. Pathania, Advocate for the petitioner.

Suvir Sehgal, J.

The court has been convened through video conferencing due to Covid-19 pandemic.

Present petition under Section 438 of the code of Criminal Procedure has been filed by two petitioners, namely Sourav Saini and Sanjeev Kumar for grant of anticipatory bail in FIR No. 62 dated 11.5.2020 (Annexure P1), under Section 61 of the Excise Act, 1914, Section 188 of IPC and Section 51 of the Disaster Management Act, 2005, registered at the Police Station Taragarh District Pathankot.

The above FIR was registered on the statement of Emmanuel Masih, Sub Inspector, wherein he alleged that he was on duty with another police official on 11.05.2020. On reaching the bridge near Lotus Public School, a Verna Car bearing registration No. PB35AC1470 was spotted coming from Dinanagar side. He signalled the car to stop but the car driver

tempo driver and occupant saw the police, they fled from there. The car driver was apprehended on the spot, who gave his name as Varun Kumar Mahajan, son of Ravi Mahajan. On checking the boot of the car, 12 boxes of half, (Addia) of Punjab Cheers Theka Desi were found. 40 boxes of the same make were found from the abandoned tempo. A total of 1248 bottles of the said brand were seized. The bottles had been loaded from a liquor shop near Muth College, Dinanagar. Neither a license for carrying the liquor nor any bill of purchase was recovered. As the accused had violated the Curfew restriction imposed due to Covid-19 and was carrying a huge quantity of liquor, FIR under Section 188 of IPC and Section 51 of Disaster Management Act, 2005 and the Punjab Excise Act, 1914, was registered against them.

Counsel for the petitioners has submitted that the petitioners have been falsely implicated on the basis of the statement of the co-accused. His further submission is that the entire case is based on the story of police and no independent witness had been joined.

I have considered the submission of counsel for the petitioners.

The FIR records that both the car and the tempo were found to be carrying the same brand of liquor. A huge quantity of 1248 bottles was recovered and that too during the time when the country was facing lock down due to the outbreak of the Corona Virus (Covid-19). The driver of the car has named both the petitioners to be travelling in the tempo. The petitioners have not alleged any enmity against the driver of the car. Custodial interrogation of the petitioners is required to find out the exact role of the petitioners.

In this scenario, the concession of anticipatory bail cannot be extended to persons who indulge in the illicit supply of liquor and defy restrictions imposed by the Government.

Accordingly, the present petition is dismissed.

It is clarified that the observations made hereinabove shall not be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

08.06.2020
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No