

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

**CRM-M No.19201 of 2020(O&M)
DATE OF DECISION: 04.08.2020**

Ramesh Masih @ Mesha

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab

..

ALKA SARIN, J.:

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.153 dated 05.07.2020 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Dhariwal, District Gurdaspur.

The allegations in the FIR are that when a police party was patrolling in Village Lehal, an informer gave information that Mesha son of Basir Masih resident of Village Lehal was doing the work of selling illicit liquor and if a raid was conducted at his house he could be apprehended with the illicit liquor. On the basis of the information, the ASI along with his party conducted the raid at the house of accused

Mesha. A person was seen entering the house carrying a plastic can who, on seeing the Police party, succeeded in running away. The person who ran away was Mesha son of Basir Masih resident of Lehal whom the party knew from earlier. The plastic can was checked by the ASI in front of the raiding party and the illicit liquor was recovered. 180 ML sample was taken out from the can containing illicit liquor and the remaining liquor was poured in 24 bottles of 75 ML each. A case was registered under Section 61 of the Punjab Excise Act, 1914.

It has been contended by the learned counsel for the petitioner that the petitioner has falsely been implicated in the FIR and the recovery has been planted upon him.

On the asking of the Court, Ms. Bhavna Gupta, DAG, Punjab has put in appearance on behalf of the State and has submitted on instructions that the house where the raid was conducted belonged to the wife of the petitioner and further that there are more cases pending against the petitioner. She has also referred to the order of the Additional Sessions Judge dated 10.07.2020 wherein two other FIRs registered against the petitioner have been noticed.

The present incident is not a one-off case against the petitioner wherein it could be alleged that the case has been planted upon him but a situation where multiple FIRs are already pending against the petitioner under the Punjab Excise Act, 1914. In the present case, it has also been brought to the notice of the Court that the house where the recovery of the illicit liquor was made belongs to the wife of the present petitioner. That being so, I do not deem this to be a fit case for grant of anticipatory bail.

In view of the above, and without commenting on the merits of the case, the present petition is dismissed.

**(ALKA SARIN)
JUDGE**

04.08.2020
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<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
