

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

**CRM-M No.22354 of 2020 (O&M)
Date of Decision: 24.09.2020**

Mangat Ram

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Balraj Singh Sidhu, Advocate for the petitioner.

Mr. N.K.Banka, DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in case FIR No.145 dated 23.07.2020, under Sections 61 & 78 of the Punjab Excise Act, 1914, registered at Police Station Talwandi Sabo, District Bathinda.

As per prosecution case, on 23.07.2020, ASI Gurpreet Singh received secret information that Mangat Ram (petitioner) was smuggling country made liquor on his Canter Tata-407 bearing registration No.PB-10-W-9630 from Haryana on cheaper rates for sale in the areas of Bathinda as well as Moga on higher rates. Petitioner had gone to Haryana for bringing the country made liquor and if a vigil is maintained on the road from that side, he could be apprehended along with the Canter.

In response to previous order dated 02.09.2020, short reply along with annexures by way of affidavit dated 22.09.2020 of Sh. Parmjit Singh

Doad, DSP (Detective), Bathinda on behalf of the respondent/State has been filed in the Registry. The same is taken on record. Registry will tag the reply at the appropriate place.

It is contended by learned Counsel for the petitioner that entire recovery has already been effected from Canter Tata-407 bearing registration No.PB-10-W-9630 and the petitioner has no concern with the same. It is also the contention that there is no other criminal case pending against the petitioner.

On the other hand, learned State Counsel opposed the prayer and submitted that heavy recovery of illicit liquor was effected in this case on the basis of secret information from the aforesaid Canter, which is owned by the petitioner. It is also the contention that facts have been verified by the police from the Office of Tata-407 Canter Union, *Lakkar Mandi*, Moga and it has been gathered that Canter in question was maintained by the petitioner.

Heard learned Counsel for the parties and perused the paper-book.

Concededly, alleged recovery i.e. 124 boxes of country made liquor of '*First Choice*', every box containing 12 plastic bottles of 750 ML each (total 1488 bottles); 64 boxes of country made liquor having brand name '*Sahi*', containing 12 plastic bottles of 750 ML each (total 768 bottles); 74 boxes of country made liquor of '*Shahanaee*', containing 12 sealed plastic bottles of 750 ML each (total 888 bottles) was effected from Canter No.PB-10-W-9630, which is owned by the petitioner. Since the recovery is too high and more particularly, the recent liquor tragedy in the State of Punjab resulted into loss of more than 130 lives, therefore, the present case has serious implications.

In view of the above, this Court is of the opinion that custodial interrogation of the petitioner would be necessary to unearth the genesis of illicit liquor. Hence, this Court has no option except to dismiss the petition.

Ordered accordingly.

The above observations may not be construed as an expression of opinion on merits of the case.

September 24, 2020
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>