

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

Crl. Misc. M 22799 of 2020 (O&M)
Date of decision: 14.8.2020

Surinder Kumar @ Kaka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. AS Manaise, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the petitioner herein in FIR No. 82 dated 5.7.2020 under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Dorangla, District Gurdaspur.

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the present case. In fact, he was not on the spot when the raid was conducted and allegedly recovery of a can, containing illicit liquor amounting to 28 bottles was effected from his house. It is also argued that since recovery has already been made, therefore, his custodial interrogation would not be required.

Notice of motion.

On the asking of the court, Ms. Bhavna Gupta, DAG Punjab,

who is present through the medium of Video Conferencing, accepts notice and submits that the antecedents of the petitioner herein has to be looked into as well. A raid was conducted on a secret information having been received and a can, containing illicit liquor amounting to 28 bottles was recovered from the house of the petitioner. It was noticed that he was standing at a distance when the raid was conducted. It is also contended that the antecedents of the petitioner are such that he does not deserve the concession of anticipatory bail. Already there are FIRs against the petitioner, in one of which he stands convicted and in another FIR he is on bail and during the period he was on bail, he has again indulged in illegal activities as he was found in possession of 21,000 ml of illicit liquor.

I have heard learned counsel for the parties and keeping in view the antecedents of the petitioner, this Court is of the opinion that the petitioner does not deserve the concession of anticipatory bail. At this stage, this Court cannot lose sight of the fact that in the recent past attempts to trade illicit liquor are on the rise, which is not in the interest of the Society.

Consequently, this petition is dismissed.

14.8.2020

prem

(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No