

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

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**IN VIRTUAL COURT**

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**CRM-M No. 25399 of 2020  
Date of decision : 1.9.2020**

**Billa Singh**

**.....Petitioner**

**Vs.**

**State of Punjab**

**.....Respondent**

**Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Vipin Mahajan, Advocate, for the petitioner

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**Rajbir Sehrawat, J. (Oral)**

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No. 106 dated 8.8.2020, registered under Sections 61(1) and 78(2) of the Punjab Excise Act, 1914, at Police Station Bhaini Mian Khan, District Gurdaspur.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. As per the allegations of the police, the petitioner had run away by leaving behind his motor cycle. Accordingly, the motor cycle and 40 bottles of illicit liquor are alleged to have been recovered by the police. However, even the said liquor and the motor cycle have been recovered from an open area. Neither the motor cycle nor the area, from where the recovery is alleged to have been effected, belong to the petitioner. There is no other case against the petitioner.

Notice of motion.

Mr. APS Gill, DAG, Punjab, accepts notice on behalf of the State.

It is submitted by the counsel for the State, being instructed by ASI Rakesh Kumar, that the petitioner was seen coming on a motor cycle along with the consignment of illicit liquor. However, on seeing the police, he had run away leaving behind the liquor and the motor cycle. Accordingly, the Hero Honda motor cycle bearing No. PB-08-AJ-9732 has been recovered along with a plastic can containing worth of 40 bottles of liquor. However, it is not disputed that there is no other case against the petitioner; and that the recovery already stands effected.

In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

**(RAJBIR SEHRAWAT)**  
**JUDGE**

**1.9.2020**  
*Ashwani*

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|-------------------|---|--------|
| Speaking/Reasoned | : | Yes/No |
| Reportable        | : | Yes/No |