

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

**CRM-M No.25889 of 2020
Date of Decision :03.09.2020**

Balraj Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present: Mr.Ritesh Pandey, Advocate for the petitioner.
Mr. P.S.Walia, AAG. Punjab.
(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court)

ARUN PALLI, J. (Oral):

Petitioner prays for an anticipatory bail under Section 438 of Cr.P.C. in FIR No.50, dated 29.05.2020, under Section 61/1/14 of Punjab Excise Act 1914, registered at Police Station Qadian District Gurdaspur.

In brief, the prosecution version is that on 29.05.2020, a secret information was received that the petitioner was engaged in distilling and selling of illicit liquor. And, if the raid is conducted illicit liquor in heavy quantity could be recovered from his possession. Accordingly, a search was conducted at his house and 150 kg of lahan was recovered though petitioner managed to flee from the spot.

Learned counsel for the petitioner submits that implication of the petitioner is apparently false. He was neither apprehended on the spot nor any recovery was caused from his conscious possession.

As opposed to this, Mr. P.S.Walia, AAG, Punjab, submits that petitioner, besides the present FIR is also involved in three other cases i.e. FIR bearing Nos. 64/17.08.2019, 4/04.02.2020 and 36/20.05.2020 that have been registered against him at the same police station under the NDPS Act and Excise Act respectively, and thus, is a habitual offender.

Learned counsel for the petitioner controverted the above position and clarified that in all other three FIRs (ibid), the petitioner has already been granted anticipatory bail.

In the given circumstances, the petition is accepted. In the event of arrest the petitioner shall be released on bail subject to furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, he shall join the investigation as and when required and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

(ARUN PALLI)
JUDGE

03.09.2020

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No