

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

**CRM-M-25873 of 2020
Date of Decision 03.09.2020**

Satnam Singh @ Sattu

.....Petitioner

Versus

State of Punjab

..... Respondent

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

Present : Mr. Hitesh Verma, Advocate,
for the petitioner.

Mr. P.S. Walia, Assistant Advocate General, Punjab.

ARUN PALLI, J. (Oral):

The matter is being taken up and heard by video conferencing owing to the prevailing Pandemic (COVID-19).

The petitioner prays for an anticipatory bail under Section 438 of the Code of Criminal Procedure in FIR No. 175 dated 6.8.2020, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Sadar Bathinda.

As per the prosecution version, a secret information was received that one Buta Singh and Satnam Singh @ Sattu (petitioner) were engaged in trading of illicit liquor at village Multania, Bir Talab and Bathinda City. And, lahan, which is used for distilling liquor, was kept concealed at Khatana, near the canal that runs near Bir Talab, and if search was conducted, the accused as also heavy quantity of illicit liquor and lahan could be captured. Resultantly, the police party raided the designated spot on 6.8.2020 and recovered 150 liters of lahan and 20 liters of illicit liquor from co-accused, Buta Singh, who was arrested on the spot.

AMIT KUMAR
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I attest to the accuracy and
authenticity of this document

Ex facie, learned counsel for the petitioner submits that implication of the petitioner is false. For neither he was apprehended on the spot nor anything was recovered from his person. The version of the prosecution that on seeing the police party, the petitioner fled from the spot also lacked conviction, as the alleged recovery was not caused from a residential house or any property, but from a river bed, in an open area, and therefore, chance of the petitioner to flee from the spot was virtually nil.

Mr. P.S. Walia, learned Assistant Advocate General, Punjab, submits that petitioner was also involved in two other cases under the Punjab Excise Act.

To which, learned counsel for the petitioner responds and submits that the petitioner was acquitted in both the cases.

In the given circumstances, the petition is accepted and 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, the petitioner 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
AK Sharma

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