

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

206

CRM-M-33484-2020

Decided on : 04.11.2020

Nirmal Singh @ Nimma & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Ms.Sukhpreet Kaur, Advocate, for the petitioners.
Mr.A.A.Pathak, Addl.A.G., Punjab.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Petitioners seek grant of anticipatory bail in a petition filed under Section 438 Cr.P.C. in FIR No.102 dated 19.05.2020 under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Mehatpur, Jalandhar Rural.

Petitioners have been arrayed as accused on the basis of secret information whereby the police party had been given information that the petitioners were selling illicit liquor. The same was said to be present on the bank of the river and drums were lying there alongwith illicit liquor in huge quantity by a working still which had been installed next to river Satluj. Apparently a raid was conducted and huge recovery of 25000 kgs of lahan, 5 drums and running still had been effected.

In such circumstances, keeping in view the huge quantity recovered, it is apparent that the petitioners were indulging in the sale on a commercial level and therefore, no ground is made out to grant the benefit of anticipatory bail to them. It is not disputed that petitioner No.1 has another FIR registered against him wherein 5 grams of heroin had been recovered from him. It is settled law that the benefit of anticipatory bail is to be granted wherein there are allegations of mala fides present or the involvement is on account of political leanings.

Accordingly, in view of the above, this Court is of the opinion that the present is not a fit case for grant of anticipatory bail and resultantly, the present petition is dismissed.

**(G.S. SANDHAWALIA)
JUDGE**

NOVEMBER 4, 2020

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Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No