

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

CRM-M-36628-2020

Date of decision : 09.11.2020

LOVEPREET SINGH @ LOVELY

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Monty Goyal, Advocate, for the petitioner.
Mr. Ramandeep Sandhu, Senior DAG, Punjab..

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.0068 dated 14.05.2020 under Sections 61/1/14 of the Punjab Excise Act, 1914 registered at Police Station Samrala, District Ludhiana.

The allegations in the FIR are that the police party was patrolling in the private car near the Main Chowk Samrala on the basis of doubt. It was informed by a secret informer around 8.25 pm that Lovely s/o Kaka Singh and Paramjit Kaur @ Pammi w/o Kaka Singh resident of Bondal Road, Samrala bring alcohol at lesser rates from other states and sell it in Samrala at higher rates and if a raid was conducted, recovery of alcohol would be possible. On the basis of the said information, the raid was conducted at the house of the petitioner, co-accused Raj Kumar was apprehended whereas the petitioner as well as Paramjit Kaur succeeded in running away from the spot. A recovery of 24 bottles of liquor (555 Whiskey) which was marked 'For sale in Chandigarh only' was recovered from the premises. The co-accused who was apprehended from the spot could not produce the license or permit for the same.

Learned State counsel, on instructions from ASI Shamsheer Singh, has brought to the notice of this Court that FIR No.260 dated 16.12.2019 was registered against the petitioner under Section 61 of the Excise Act, 1914 at Police Station Samrala which pertains to the recovery of 72 bottles of liquor of the same brand which were also marked 'For sale in Chandigarh only'. Another FIR No.38 dated 08.03.2020 under Section 61 of

the Punjab Excise Act. 1914 has also been registered against the petitioner. He has further pointed out that co-accused Paramjeet Kaur had filed a petition for grant of pre-arrest bail in CRM-M-30356-2020 before this Court which was dismissed vide order 30.09.2020.

I have heard learned counsel for the parties.

In the present case, the allegations against the petitioner show that he is in the habit of smuggling liquor from Chandigarh to Punjab. In fact, another FIR No.260 dated 16.12.2019 was registered against the petitioner and which pertains to the recovery of 72 bottles of liquor make 555 Gold Whiskey which were also 'For sale in Chandigarh only'. The petitioner was granted anticipatory bail in the said case and, thereafter, while availing the concession of the pre-arrest bail, FIR No.38 dated 08.03.2020 was registered under Section 61 of the Punjab Excise Act and, thereafter, the present FIR has been lodged. Further, the petition for grant of anticipatory bail filed by the co-accused Paramjeet Kaur has also been dismissed by this Court vide order dated 30.09.2020.

In view of the above, I do not find any ground to grant anticipatory bail to the petitioner and this petition is dismissed.

It is however, made clear that any observation made herein shall not be taken as an expression of opinion on the merits of the case

November 09, 2020
kv

(ALKA SARIN)
JUDGE

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No