

Sr.No.103

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

**CRM-M-36640 of 2020
Date of decision:09.11.2020**

Vijay Kumar

... Petitioner(s)

versus

State of Punjab

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Arvind Kumar Yadav, Advocate for
Mr. Gourav Jain, Advocate
for the petitioner.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in FIR No.154, dated 07.10.2020 registered under Sections 61/1/14/78(2) of the Punjab Excise Act, 1914 at Police Station Sadar Budhladha, District Mansa.

Learned counsel for the petitioner has *inter alia* argued that the present FIR was lodged against the unknown persons and it was based upon information to the police that some doubtful persons and a vehicle at village Bachuana, Ralli, Dattewas etc., where police party reached and it was informed that some unknown persons are involved in business of selling country made liquor in the village by bringing the same from Haryana and today also those persons are trying to sell the country made liquor make Sahi distilled in Haryana to any Blakia in the villages in swift car (inadvertently typed as Mahindra) and these unknown persons were apprehended alongwith swift car with the country made liquor from Haryana, thereafter, the police

recovered the car which although was in the name of the petitioner but according to learned counsel for the petitioner the, petitioner was not involved in the business of liquor and prays for grant of anticipatory bail.

Notice of motion.

On asking of the Court, Mr. H.S.Sitta, AAG, Punjab accepts notice on behalf of the State and on instructions from ASI Gurdeep Siingh has submitted that in the present case there was recovery of 168 bottles of country made liquor distilled in Haryana and same was recovered from the car belonging to the petitioner. He has further submitted that the petitioner was involved in four more cases out of which in one case he stands acquitted, the other three cases pertain to NDPS Act, Excise Act and Sections 323, 341 IPC respectively which are at the trial stage.

Learned State counsel has further submitted that the menace of illicit liquor trade is on the rise in the State of Punjab and therefore, has prayed for dismissal of the present petition.

I have heard the learned counsel for the parties.

The only argument advanced by learned counsel for the petitioner was that FIR was registered against unknown persons. However, learned State counsel has stated that the recovery of liquor was from swift car which stands in the name of the petitioner and therefore, for the purpose of further investigation, custody of the petitioner would be required. Petitioner is also involved in other cases of not only under Excise Act but also under the NDPS Act and the same would also bear consideration for the purpose of anticipatory bail application.

After considering the arguments raised by learned counsel for the parties, totality and circumstances of the case, this Court does not deem

it fit to interfere in the present case wherein the State has prayed for
custodial investigation in view of the facts and circumstances of the case.

Consequently, the present petition is hereby dismissed.

However, nothing stated hereinabove, shall be construed to be
an expression on the merits of the case.

9th November, 2020

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
Whether Reportable	Yes/No