

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

CRM-M-38872 of 2020 (O&M)
Decided on:- December 15, 2020.

Raj Pal.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

HARI PAL VERMA, J.

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-30101-2020

The affidavits of co-accused Ravi Kumar and Dinesh are taken on record, subject to all just exceptions.

CRM stands disposed of.

CRM-M-38872-2020

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.528 dated 07.10.2020 under Sections 61(1)(vi) of the Punjab Excise (Haryana Amendment) Act, 2020 and Section 420 IPC registered at Police Station Sadar Thanesar, District Kurukshetra.

As per the aforesaid FIR, on the basis of some secret information regarding sale/stocking of illicit liquor, on 07.10.2020, a raid was conducted at liquor vend and during this raid, about 27 boxes of illicit liquor and liquor with fake labels were recovered from co-accused Darshan Singh @ Gurdeep, who was found present at the liquor vend. On the basis of his disclosure statement, co-accused Dinesh and Ravi Kumar were arrested on 10.10.2020. Dinesh and Ravi Kumar made further disclosure statements, resultantly, the name of present petitioner also surfaced as supplier of the aforesaid boxes of liquor. During investigation, it was verified that the recovered liquor bottles were having fake labels and incorrect particulars of manufacturer. The FSL/chemical examiner's report as regard the nature/ingredients of the recovered liquor is pending so as to determine as to whether the recovered liquor bottles were fit for human consumption or the same were the result of any kind of adulteration or any noxious substance/drugs or any foreign ingredients were mixed in that liquor bottles. However, it was not disputed that the alleged recovered liquor bottles were not manufactured from a licensed distillery and it was being sold and stocked in violation of the provision of Excise Act.

After registration of the aforesaid FIR, the petitioner approached the Court of Session for grant of anticipatory bail. However, vide order dated 09.11.2020, learned Additional Sessions Judge, Kurukshetra has dismissed his application with the following observations:

“6. To succeed in unearthing and smashing the entire supply chain, network and to dismantle the infrastructure of illegal illicit liquor trade and in order to bust the gangs involved in such

malpractices of smuggling of cheap liquor, re-bottling of empty bottles of premium brands etc.; a massive crackdown to combat such organized rackets is required to prevent another horrific hooch tragedy and thereby, the present matter is required to be investigated professionally to take the investigation to its logical conclusion because the situation in illegal liquor trade is cataclysmic as liquor mafia had a stranglehold over the whole system.”

Hence, the present petition.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner has been falsely implicated in the present case, a bare perusal of the FIR would reveal that neither the petitioner is named in the FIR nor any recovery of liquor of whatsoever nature, was ever effected from him. The petitioner is falsely implicated in the case on the basis of alleged confessional statement of the co-accused that the recovered liquor was supplied by the petitioner. The confessional statement made in the police custody is not admissible in law. Moreover, recovery of the alleged liquor has already been effected and nothing is required to be recovered from the petitioner. The petitioner is being implicated for political reasons as he is Ex-Sarpanch of the village and the very motive to implicate him is to create obstruction in his way to contest the forthcoming Panchayat elections. Moreover, the petitioner did not own the Bolero vehicle in which the stock of illicit liquor was allegedly delivered.

He has relied upon the affidavits of co-accused Ravi Kumar and Dinesh to contend that the police has got their signatures on blank papers and these co-accused have come to know that the police has recorded their

confessional statements against Raj Pal (present petitioner) that he (Raj Pal) supplied the liquor allegedly recovered in the case.

Learned State counsel has argued that the allegations levelled against the petitioner are serious. The custodial interrogation of the petitioner is required to unearth the racket of illegal manufacturing of illicit liquor and for arrest of the co-accused.

I have heard learned counsel for the parties.

The status report filed by way of affidavit of Ravinder Tomar, HPS, DSP, Kurukshetra along with the disclosure statement of co-accused Ravi Kumar has been perused. As per the disclosure statement made by co-accused Ravi Kumar, the quota of liquor allotted for sub-vend was too less as compared to its cost and, therefore, shortage of liquor was realised. Two months back, this accused (Ravi Kumar) had asked co-accused Dinesh that accused Raj Pal (present petitioner) resident of village Digtana is known to him and is doing the work of illicit liquor. On the asking of accused Dinesh, accused Ravi Kumar introduced him (Dinesh Kumar) with the present petitioner and asked him to bring 40 boxes of country made liquor. After about 2/3 days, the petitioner came to the sub-vend along with 40 boxes of liquor in the presence of co-accused Dinesh and Darshan Singh @ Gurdeep. It is only the present petitioner, who can disclose from where he has brought this stock.

During investigation, it was found that the recovered bottles of liquor were having fake labels and incorrect particulars of manufacturers. The consumption of such like illicit liquor, if allowed to be sold without check, it may prove fatal to the people who may consume such stock. There are

instances that such like illicit liquor resulted casualties of people while consuming such illicit liquor. The affidavits of co-accused Ravi Kumar and Dinesh are of no relevance at this stage when the prayer in this petition is for grant of anticipatory bail. The argument of learned counsel for the petitioner that the petitioner did not own Bolero vehicle from where the stock was allegedly delivered, cannot be accepted merely because the petitioner is not registered owner of the said vehicle.

Considering the nature of allegations and in order to unearth the very sequence of supply of illicit liquor, this Court finds that the custodial interrogation of the petitioner is required in the case and, therefore, no case for grant of anticipatory bail to the petitioner is made out.

The present petition is, accordingly, dismissed.

It is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case. The trial Court shall not be influenced with the observations made hereinabove in any manner.

December 15, 2020

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No