

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

CRM-M-8129-2021 (O&M)
Date of Decision:- 25.2.2021

Rakesh Kumar @ Angry ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishal Sharma, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab
assisted by ASI Joginder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.140 dated 4.12.2020 under Section 61 of the Punjab Excise Act at Police Station Behrampur, District Gurdaspur.
2. It is the case of prosecution that pursuant to receipt of secret information, a raid was conducted and 105 bottles of illicit liquor were recovered from the back side of house of the petitioner.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he was never apprehended at the spot and nor the petitioner can be attributed conscious possession as the liquor in question was never recovered from his house.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and the recovery was effected from the back side of the house of the petitioner, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 months. It has also been informed that the petitioner stands involved in 4 other identical cases.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the petitioner was not apprehended at the spot and has already been behind bars since the last about 2 months, further detention of the petitioner will not serve any useful purpose.
7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.2.2021

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(Gurvinder Singh Gill)
JudgeWhether speaking /reasoned
Whether ReportableYes / No
Yes / No