

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21454-2021

Date of Decision: 28.05.2021

Ravi Redhu

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ravinder Singh Dhull, Advocate, for the petitioner.

Mr. Deepak Manchanda, Additional Advocate General, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.0849 dated 25.12.2020, under Sections 420, 467, 468, 471 IPC and Section 61 of the Punjab Excise Act, 1914, registered at Police Station Shivaji Colony, Rohtak, Haryana.

As per the allegations contained in the FIR an information was received by the police through secret source that there was a liquor vend for English and Indian made liquor near Aparn Global School on Karontha to Baland Road. The petitioner who was the contractor was alleged to be selling illegal liquor in the temporary room constructed from iron sheets and if immediate action is taken then the illegal liquor can be caught. Thereafter, on the basis of the information the police raided the temporary shop and on

the spot Excise Inspector, Department of Excise, Rohtak reached there after reaching the information and it was found that a man was found sitting there who thereafter informed his name as Surender son of Ram Swaroop and when license of vend, map and other documents were asked from him then he failed to produce any document. The Excise Inspector verified from the documents that the room constructed from the iron sheets in front is passed as English Made Liquor Vend from the department but a separate room is illegal and the same is not in the map of the Department of Excise. When the illegal room was checked from inside then 200 cartons of Indian made liquor, 40 cartons of Jagadhari No.1 Indian made liquor, 3 cartons of McDowell foreign liquor, 2 cartons of Imperial Blue, 1 carton of Royal Stage, 1 carton of Bacardi Black rum, 1 carton of Hawk Stone, 1 carton of Blender's Pride, 1 carton of White Blue, 4 cartons of OC Blue were found and added together total 240 cartons of Indian liquor and 14 cartons of foreign liquor were found. The Excise Inspector informed that the batch number of hologram were fake. It was informed by the aforesaid Surender Singh that the illegal liquor is belonging to the petitioner namely Ravi Redhu who was the contractor.

The learned counsel for the petitioner has submitted that the petitioner had no role to play in view of the fact that in fact the petitioner has sub-letted his license to one Tejbir son of Puran Singh for the purpose of selling the liquor. He has also attached the aforesaid subletting agreement vide Annexure P-2 and has stated that therefore, he may be granted the concession of anticipatory bail.

On the other hand, Mr. Deepak Manchanda, learned Additional Advocate General, Haryana has submitted on instructions that the petitioner

was having a liquor license of English liquor but instead of selling the liquor himself, he illegally sub-letted the same to some other person and who started selling the illegal liquor and the same has been recovered on the spot. He submitted that even if the petitioner was not found at the spot he was equally liable for the offence which has been committed in the present case. He further referred to para No.4 of the petition filed by the petitioner wherein petitioner has himself stated that during the subsistence of the agreement allegedly the police authorities of Department of Excise have seized illegal liquor from liquor shop. He submitted that temporary shed was made and different types of illegal liquor was found on the spot and, therefore, the petitioner cannot say that he was not responsible for the same. He further submitted that the custodial investigation of the petitioner was required for the purpose of further elucidating the detailed facts with regard to the same.

It is an admitted case that the petitioner was a contractor of English liquor from the Department of Excise. As per the FIR, the seized liquor largely was illegal liquor for which nobody was holding any license. Furthermore, the petitioner has vide Annexure P-2 sub-letted his license to some other person who had started selling the illegal liquor. The plea of the petitioner that he was not present on the spot would not be sustainable in view of the fact that he had already sub-letted his license to some other person who started selling illegal liquor. The submission made by learned State counsel that the custodial interrogation of the petitioner is required to ascertain the true position as to what extent the petitioner had delegated his power to somebody else which in turn and how many such like of delegations of the same nature have been made and on what basis

does carry some weight and is justified.

It appears to be a case where large public interest is involved because of involvement of illegal liquor sale through vends.

Therefore, considering the totality and circumstances of the present case, I do not deem it fit and appropriate to interference in the case for the grant of anticipatory bail to the petitioner.

Consequently the present petition is dismissed.

28.05.2021
rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No