

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-25412-2021 (O&M)
Date of Decision:-23.7.2021

Sheetal Angural ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Navkiran Singh, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

Mr. Navraj Singh Mahal, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.85 dated 16.6.2021 at Police Station Adampur, District Jalandhar Rural under Sections 420, 120-B, 353, 186 of Indian Penal Code and Section 68 of Punjab Excise Act, wherein offences under Section 307 IPC and Sections 20 and 61-A of Punjab Excise Act, 1914 were added later on.

2. The FIR in question was lodged on the basis of secret information received by the Excise Department to the effect that Rajan Angural and his brother Sunny Angural alongwith their companions have factories in Jalandhar City, Rural, where they prepared illicit liquor by affixing fake labels on the bottles. Pursuant to receipt of said information raids were conducted at different places. At the disclosed place one Alto Car bearing registration No.PB-08-EA-0597 was found and two persons were trying to flee in the said car out of which one was identified as Sunny Angural. The said car was chased and the said persons riding the car were rounded up and they were brought back to the factory premises. Inside the factory Rajan Angural was found present alongwith his other accomplices and they all started arguing with the Excise Team and assaulted them. In the meantime Sheetal Angural (petitioner) and other persons also came inside the factory and they also assaulted the Excise Team and the police party as well and obstructed the police party from conducting search at the factory premises. It is further alleged therein that Sh. Vijay Kumar, Executive Engineer, Water Supply Division No.1, Jalandhar was associated as a public witness and SHO Adampur namely Inspector Palwinder Singh was also called at the spot. Upon search of the factory premises a bottling chain for filling alcohol, two plastic tanks for the purpose of storing alcohol, one blue coloured plastic pipe, one tullu pump, card boxes for packing alcohol bottles and empty plastic bottles of capacity of 750 ml. were recovered, the shape of which was similar to cash brand of Malbros. The said bottles were found to be 11990 in number and the boxes were 3840 in number. The said articles were taken into possession. However, Rajan Angural, Sunny Angural and Sheetal Angural were stated to have fled from the spot while taking advantage of the activities being conducted there.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that even as per the FIR the secret information was not against the petitioner in any manner. It has further been submitted that even if all the allegations as levelled in the FIR are taken to be correct, still no such inference can be drawn that any illicit liquor was being distilled at the factory premises by the petitioner or by others. It has further been submitted that no kind of alcohol or spirit was recovered from the spot and that the mere factum of recovery of some empty bottles or some bottling equipment cannot lead to a conclusion that the accused were into distilling illicit liquor.
4. Opposing the petition, learned State counsel submits that although name of the petitioner did not figure in the secret information but since he had subsequently reached at the spot and tried to obstruct the raiding party, his complicity in the entire occurrence is clearly evident. It has further been submitted that on the same day another FIR was lodged pursuant to recovery of 42975 bottle caps (styled as IMPL Punjab Excise, Malboros International Private Limited) from the house of one Suraj, who is none else but a driver of the Angural Brothers and in respect of which a separate FIR i.e. FIR No.74 dated 16.6.2021 at Police Station Division No.1, Jalandhar under Sections 420 IPC and Sections 24-A and 68 of Punjab Excise Act, 1914 was lodged. Learned State counsel submits that the said caps were meant to be used for the bottles recovered from the factory premises on which the raid was conducted in the instant case and thus it is clearly evident that the petitioner and his brothers alongwith their companions were into distilling illicit liquor. Learned State counsel has also informed that during the course of investigation the police had been able to locate the source of the bottling

plant, which the petitioner's brother alongwith Jasbir Singh @ Billa had purchased from Saharnpur and that the presence of the petitioner's brother is also substantiated from the tower location record in respect of the telephone of the petitioner's brothers.

5. Learned State counsel further submits that in yet another FIR lodged at Derabassi, the petitioner came to be nominated as an accused, wherein the accused Vinay had stated that caps manufactured at his premises were to be supplied to the petitioner and his brothers. Learned State counsel has also informed that the petitioner and his brothers happen to be involved in several other cases under Indian Penal Code and which clearly reflects on their antecedents and, as such, no special case is made out for grant of anticipatory bail.
6. I have considered rival submissions addressed before this Court.
7. It is not disputed that no illicit liquor or any alcohol or any ingredient of illicit liquor was recovered from the premises, where raid was conducted. The mere factum of recovery of bottles or storage boxes may not **ipso facto** be sufficient at this stage to hold that the petitioner and his brothers were into distilling illicit liquor. As regards antecedents of the petitioner are concerned, he is not stated to be involved in any other case under Excise Act previously. In these circumstances, this Court is of the opinion that it is a fit case for grant of anticipatory bail to the petitioner. The petition, as such, is accepted. It is ordered that the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the

Investigating Officer and shall also abide by the conditions as provided under
Section 438 (2) Cr.P.C.

23.7.2021

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No