

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26480 of 2021

Date of Decision: 27.07.2021

Ajay Kumar

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sunil Saharan, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 101 dated 21.4.2021, under Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police Station Uklana, District Hisar.

On 21.4.2021, the police party acting on a secret information checked Scorpio car bearing registration No. HR-14H-7599 coming from Daulatpur side. The vehicle was driven by Davender. On seeing the police party the driver tried to flee but was apprehended. On search, 720 bottles of country made liquor were recovered. During investigation, the driver disclosed that he was transporting the liquor from one liquor vend to another liquor vend owned by Ajay Kumar (petitioner).

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot, no recovery was made from him and he has nothing to do with Scorpio car.

Learned counsel for the State relies upon the pleadings in the reply filed. She submits that the petitioner had earlier filed an anticipatory bail petition which was dismissed as withdrawn with liberty to file with

better particulars. There is a somersault by the petitioner while taking stand in the two petitions. Earlier the petitioner claimed that he was having L-1 14A excise licence for a liquor vend which was valid upto 27.4.2021, in the present petition the stand taken is that the petitioner has nothing to do either with the liquor or the vehicle.

The approach of the petitioner while seeking anticipatory bail does not appear to be straight forward on facts. As per the contentions of learned counsel for the petitioner, the petitioner is not the owner of Scorpio car whereas as per the reply filed, the petitioner had applied for release of the vehicle on superdari claiming himself to be the owner. The stand taken by the petitioner in the earlier petition which was dismissed as withdrawn appears to be in consonance with the disclosure statement of the co-accused that the liquor was being transported from one vend to another vend. As per the assertions in the present petition, the petitioner has nothing to do with the incident. Claiming of the vehicle on superdari being owner at least *prima facie* falsifies the stand taken by the petitioner.

Considering the changing stands taken by the petitioner, it would be a fit case where deeper probe is required to unearth the transportation of liquor without permit and without appropriate documents.

No case is made out for anticipatory bail.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

27th July, 2021

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No