

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

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CRM-M-33957-2021

Date of Decision : August 20, 2021

AMANDEEP SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Tarundeep Kumar, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 10 dated 31.1.2021 under Sections 61/1 of the Excise Act, 1914 and Section 24 of the Water Pollution & Control of Pollution Act, registered at Police Station, Chohla Sahib, District Tarn Taran.

As per the FIR, when the police party was patrolling in the area of village Kirian on a canal minor, they received a secret information that the petitioner, namely, Amandeep Singh, whose name has been mentioned as Ladi son of Mukhtiar Singh, resident of Kirian and one another person, namely, Sonu son of Gudda @ Gulcha were habitual of doing the business of preparing and selling the illegal liquor on a large scale and after collecting materials for illegally preparing liquor through boats in the river, they threw away the waste Lahan in the river due to

which it was causing harm to aquatic life and if raid is conducted then they can be caught alongwith the illegal liquor. On receiving of the information, the Excise Inspector was intimated on phone to come on the spot and the police party on their vehicles went to the spot on the basis of the information and FIR was registered. As per the prosecution, when the raid was conducted alongside the river, one person was found rotating his hand in the plastic tripal and the other was found supervising the said process and on seeing the police party, both the persons, ran away but they were identified by ASI Swaran Singh of Excise Staff Circle Patti as Ladi @ Amandeep son of Mukhtiar Singh (petitioner) and Sonu son of Gulcha. Thereafter, the spot was checked and other articles were lying nearby and there was a recovery of 13,200 litres of Lahan, 6375 liters of illicit liquor in 850 bottles, 17 bags, 04 drums and 04 patilas were recovered from the spot which were taken into possession.

The learned counsel for the petitioner has submitted that the petitioner was not caught on the spot and his name has been planted thereafter and, therefore, he is entitled for the grant of anticipatory bail. He further submitted that although there are 5 more cases against the petitioner including 4 under the Excise Act but since the petitioner is on bail on those cases, he may be considered for the grant of bail. He further submitted that so far as the provision of Water Pollution & Control of Pollution Act is concerned, an FIR is not maintainable and only a complaint can lie before the competent Court.

On the other hand, Mr. Randhir Singh Thind, learned DAG, Punjab on instructions from ASI Harjit Singh has submitted that it is a

case where large scale illicit liquor was recovered on the spot on the basis of the secret information and the police party alongwith the officials of the Excise Department had raided the spot but unfortunately both the accused persons fled away from the spot but the ASI of the Excise Department recognized the petitioner and, therefore, the petitioner has been nominated in the present FIR. He submitted that such a large quantity of illicit liquor was confiscated on the spot which could have cost lives of so many people in the area. He further submitted that in the State of Punjab, the menace of illicit liquor has taken the lives of number of people in the last 2-3 years and so far as the present petitioner is concerned, he is a habitual offender and he is involved in 5 other cases including 4 under the Excise Act. He further submitted that the magnitude of the case, the adverse social impact and large public interest would disentitle the petitioner for grant of anticipatory bail. He further submitted that custodial investigation of the petitioner is required in view of the fact that it is to be ascertained as to how long the petitioner is doing this business of illicit liquor and to whom he sold the same.

I have heard learned counsels for the parties.

The recovery at the spot was huge. The petitioner is also involved in other cases under the Excise Act. As per the prosecution, the petitioner was seen at the spot but he fled away from the spot and the ASI of the Excise Department identified him alongwith the other co-accused. The submission made by the learned counsel for the State that the custodial investigation of the petitioner is required in view of the magnitude of the case, the adverse social impact and larger public interest

does carry some weight. The argument raised by learned counsel for the petitioner that he was not caught on the spot would rather further disentitle him from relief as according to prosecution the petitioner as well as co-accused were identified by the Excise Officer when they fled away as petitioner was involved in other cases under Excise Act.

In view of the above, this Court is of the opinion that this is not a fit case for extending the concession of anticipatory bail to the petitioner.

So far as the other offence under the Water Act is concerned, the same would not become a ground for grant of bail to the petitioner when he is involved under the provisions of the Excise Act where large scale of recovery has been made.

Consequently, the present petition is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

August 20, 2021
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No