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

CRM-M-42930-2021

Date of Decision: 12.10.2021

Surender Singh

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sant Lal Barwala, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.739 dated 18.09.2021 under Section 61(1)(aaa) Punjab Excise Act, 1914 (Haryana Amended Bill, 2020) registered at Police Station Barwala, District Hisar. He apprehends his arrest at the hands of Police in the above said FIR.

The FIR was registered on the basis of a secret information and the allegations as noticed by the Addl. Sessions Judge, Hisar in the order dated 05.10.2021 are as under:

“.....on 18.09.2021 Assistant Sub Inspector Dinesh Kumar, In-charge Police post, Old Bus Stand, Barwala was present at Daulatpur Chowk in connection with crime detection where he received secret information that a Honda Amaze Car bearing Registration No. HR-51BB/2642 of Silver colour loaded with illicit liquor is parked at Nand Dhaba. Upon this, ASI Dinesh Kumar alongwith accompanying police officials reached at Nand Dhaba where the said car was parked. The driver side door of car was lying open. Upon checking of car, 07 boxes of country made liquor make Shahi were recovered from the rear seat of the car whereas 11 boxes of liquor make Malta Masti were recovered from the dickey of the car. In this way, 18 boxes containing 216 bottles were recovered from the said car. The post trap formalities were completed. Liquor and car were taken into police possession.

Accordingly, a case under Section 61 (1) (aaa) of Excise Act was registered.”

Learned counsel has argued that the petitioner has been falsely implicated, as the alleged recovery of liquor was made from the vehicle owned by him. He submits that as the recovery has already been effected, the custodial interrogation of the petitioner may not be necessary. He prays for anticipatory bail.

After hearing the learned counsel, this Court finds that as per prosecution, the vehicle used in the crime is owned by the petitioner and apart from it, he is involved in another case of similar nature i.e. FIR No.127 dated 24.05.2020, registered under Section 188 IPC and Section 61 Excise Act, at Police Station Agroa, Hisar.

Resultantly, no case is made out to extend the concession of pre arrest bail to the petitioner.

Dismissed.

12.10.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No