

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM-M-38760-2020

Date of decision:- 06.10.2021

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking grant of anticipatory bail in case FIR No.203 dated 15.08.2019 under Section 61 of the Excise Act, 1914 read with Section 78(2) of Excise Act, 1914 and Sections 420, 468 and 471 of the Indian Penal Code, 1860 (wrongly typed as Section 478, IPC in the impugned order instead of 468, IPC), registered at Police Station City Rajpura, District Patiala, Annexure P-1.

As per the case of prosecution, FIR, Annexure P-1, has been registered on the basis of a secret information, when a *Canter* was intercepted from which the following recovery was made:-

“3800 empty bottles of liquor, 2 Can plastic having 20 liters each of white chemical, 2 Can plastic having 20 liters each of yellow chemical, 2 Can plastic having 20 liters each of red chemical, 2 Can plastic having 50 liters each of red chemical, 4 big Roll of Holograms, 90,000/- Label make Punjab 'Lajawab Sofian' Country-made liquor for sale in Punjab, 75,000/- Label make Punjab 'Rasila Santra' for sale in Punjab, 75,000/- Label make '999 Power Star' Fine Whiskey for sale in Chandigarh, 50,000/- Label make 'Dollar XXX' Rum for sale in Punjab, 15,000/- Label make '777 OAK VAT' Whiskey for sale in Chandigarh, 6 packet of Amrican Bond, 6 packet of Fevicol DDL of 1 kg weight each, 12 plastic bottles of country-made liquor make 'Rasila Santra' for sale in Punjab only, 7 plastic bags containing new plastic Dats (Dhakans) of red, yellow and black colour weighing 10 kg each, one plastic bag of old Dats (Dhakans) of black colour weighing 10 kg, 50 pieces of Cello Tape, one plastic bag containing nut bolts, Panna/Keys, 9 Thermometer make Sikes Hydrometer range 20-40, 5 bundles of pipe plastic of white colour having length of 10 feet each, 4 Tulupumps, 8 machines for making fake liquor, 2 brackets (Shikanjas) and one trolley.”

Counsel for the parties have been heard.

Exceptionally huge quantity of material for making spurious liquor has been recovered from the vehicle, which according to the State counsel belongs to the petitioner. As per the reply filed by way of an affidavit of Deputy Superintendent of Police, Circle Rajpura, District

Patiala, the petitioner is involved in four other cases, the details of which are as under:-

(i) FIR No.196 dated 09.12.2019 under Sections 420, 465, 467, 468, 471 and 120-B, IPC and Sections 61 and 78(2) of the Excise Act, registered at Police Station Kartarpur, District Rural, Jalandhar and the same is under trial.

(ii) FIR No.54 dated 14.05.2020 under Sections 420, 465, 468, 471, 120-B and 188, IPC and Sections 61 and 78(2) of the Excise Act, registered at Police Station Shambu, District Patiala and the same is under trial.

(iii) FIR No.274 dated 08.12.2020 under Sections 420, 468 and 471, IPC and Sections 61 and 78(2) of the Excise Act, registered at Police Station City Rajpura, District Patiala and the same is under investigation.

(iv) FIR No.309 dated 11.12.2019 under Sections 61 and 78(2) of the Excise Act, registered at Police Station Majithia, District Rural Amritsar and the same is under investigation.

It has further deposed in the affidavit that the petitioner was arrested in two cases and is confined in Central Jail, Gurdaspur.

An accused who has a chequered history is not entitled to the discretionary relief of anticipatory bail.

Petition is dismissed.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

06.10.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No