

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

(Sr. No. 107)

CRM-M No. 43870 of 2021

Date of decision : 25.10.2021

Amrik Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Ramesh Sharma, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail in FIR No.109 dated 18.06.2021 registered
under Section 61 of the Punjab Excise Act, 1914 at Police Station Shahkot,
district Jalandhar.

Briefly stated, the case of the prosecution is that on receipt of secret information, the police party, along with an Excise Inspector, conducted a raid at the disclosed place in village Rampur and found some persons distilling illicit liquor on a working still. On seeing the police party these persons jumped in the nearby river and managed to escape. However, one of the member of the police party, namely Jarnail Singh identified two of such persons which included the petitioner. The working still was dismantled and from the spot 106 liquor bottles of 750 ml each and 2400 litres of illegally distilled liquor were recovered.

Learned counsel for the petitioner submits that the petitioner

has been falsely implicated in this case; he was not even present at the spot; the story of the prosecution is *ex facie* false as it is virtually impossible for any person to escape in the presence of a large police party; no further recovery is required to be made from the petitioner and that the petitioner is also ready and willing to join the investigation.

It is not disputed that while on bail in another criminal case under the Punjab Excise Act the petitioner is alleged to have committed the offence which is the subject matter of the instant petition. Thus, he has misused the concession of bail so granted to him in the earlier case.

In the light of the above and keeping in view the petitioner's conduct of having escaped from the spot on seeing the police party as also because a large quantity of illicit liquor and illegally distilled liquor have been recovered by the police which is not only against the law but also against the public interest, the petitioner does not deserve to be granted the concession of anticipatory bail.

Dismissed.

25.10.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No