

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

(Sr. No. 114)

CRM-M No. 3060 of 2022

Date of decision : 25.01.2022

Pappi @ Pappu Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Ms. Rashmi Attri, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No. 0001 dated 01.01.2021 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Sadar Ferozepur, district Ferozepur.

Briefly stated, the case of the prosecution is that on receipt of secret information that the petitioner and his co-accused had kept, for distilling purpose, huge quantity of illicit liquor near a river bank, the police conducted a raid which resulted in the recovery of 30,000 litres of illicit liquor. However, the petitioner and his co-accused, who were duly identified by the investigating officer as also another police officer, who was the part of the raiding party, managed to flee.

Learned counsel for the petitioner submits that the petitioner

has been falsely implicated in this case; since the alleged recovery has already been made the petitioner's custodial interrogation is not required; since the offence of which the petitioner is accused of is punishable with imprisonment of less than 07 years, as per the law settled by the Supreme Court the petitioner's custodial interrogation should be justified by the prosecution and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

Admittedly, prior to the lodging of the present FIR the petitioner faces 03 other similar criminal cases. Thus, the petitioner is not only a habitual offender but has also misused the concession of bail on three occasions.

In view of the above and because of the petitioner's conduct of having run away from the spot on seeing the police party as also because a huge quantity of 30,000 litres of illicit liquor has been recovered in this case, this Court is of the opinion that the petitioner does not deserve the concession of anticipatory bail especially when as per the recovery memo two of the police officers who were part of the raiding party have specifically identified the petitioner to be one of the persons who on seeing the raiding party ran away from the spot of occurrence.

Dismissed.

25.01.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No