

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

Sr.No.204

CRM-M No.3688 of 2022

Date of Decision: 03rd March, 2022.

Paro Bai

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Sarabjit Singh Sidhu, Advocate,
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

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MEENAKSHI I. MEHTA, J.

Apprehending her arrest in the criminal case pertaining to the FIR bearing No.01 dated 02.01.2022 registered at Police Station Sadar Fazilka, under Section 61 of the Excise Act 1914, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations, as levelled in the present case, are that on the receipt of a secret information regarding the petitioner having been indulging in the sale of illicit liquor, the police party, headed by ASI Hoshiar Singh, raided at the house of the petitioner but she managed to flee away from there. However, the search of her house resulted in the recovery of 100 bottles of illicit liquor.

I have heard learned counsel for the petitioner as well as learned State counsel in this petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the version of the Investigating Agency regarding the petitioner having escaped from her house on noticing the raiding party, does not seem to be probable and even otherwise, the Investigating Officer failed to comply with the prescribed procedure before conducting the search of the house of the petitioner and therefore, she (petitioner) deserves the relief, as prayed for in this petition.

Per-contra, learned State counsel argues that the huge quantity of illicit liquor has been recovered from the house of the petitioner and moreover, on seeing the police party, the petitioner fled away from the spot and keeping in view the gravity of the offence committed by her, this petition be dismissed.

The contentions regarding the truthfulness/probability of the version qua the petitioner having run away from the spot and regarding the non-compliance of the relevant legal provisions for conducting the search of her house, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of trial and the same cannot be decided at the stage of deciding the instant bail petition. At the moment, the fact remains that there are specific allegations regarding the recovery of 100 bottles of illicit liquor from the house of the petitioner. The consumption of illicit liquor has led to several tragedies in the State in the recent past and therefore, the trading of illicit liquor needs to be dealt with sternly.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the

petitioner, this Court is of the considered opinion that she (petitioner) does not deserve the relief of anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

03.03.2022.
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No