

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-9453-2022 (O&M)
Date of Decision:-11.3.2022

Rajinder Singh @ Happy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mohd. Jameel, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab alongwith
Sub Inspector, Arshpreet Kaur Grewal.

GURVINDER SINGH GILL, J.(Oral)

Ms. Arshpreet Kaur Grewal, Sub Inspector, is present in person
alongwith learned State counsel.

Learned State counsel has apprised this Court that as per
unamended provisions of Section 72 of Punjab Excise Act, 1914 (for short
'*the Act*') all the offences under the Act excepting an offence pertaining to
possession of working still were bailable offences. Section 72 (unamended)
of the Act reads as follows:

“72. All offences punishable under this Act shall be
bailable within the meaning of the Code of Criminal
Procedure, 1898.

Provided that the offence of possession of a working still for the manufacture of any intoxicant under Section 61(1) shall be non-bailable.”

It has been informed that subsequently by way of amendment in the year 2017, the following changes were incorporated in Section 72 of the Act vide notification dated 21st December, 2017. The amended Section 72 of the Act reads as follows:

“72. All offences, punishable under this Act shall be bailable within the meaning of the Code of Criminal Procedure 1973;

Provided that the offences punishable under clauses (i), (ii), (iv) and (v) and of possession of country liquor and foreign liquor in a quantity exceeding twelve bottles of 750 milliliters capacity each, punishable under clauses (iii) and (viii) of the proviso to sub-Section (1) of Section 61, shall be non-bailable.”

Section 72 of the Act further came to be amended in the year 2020 and the same after amendment reads as under:

“72. Certain offences to be non-bailable:

All offences punishable under this Act with imprisonment with two years or more, shall be non-bailable and cognizable and the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) with respect to non-bailable and cognizable offences, shall apply to those offences.”

Learned State counsel has informed that in the present case recovery was effected in the year 2016 i.e. prior to the amendments made in the Act and consequently the present case being a case of recovery of 240

bottles of liquor, the offence in question was bailable and it was on this count that the petitioner came to be released on bail by the Investigating Officer.

Keeping in view the aforestated position regarding Sections 72 of the Act and its amendments, no further direction is required to be issued.

The petition stands disposed off accordingly.

11.3.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No