

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

(1) **CRM-M-14083-2021 (O&M)**

Dipesh Grover ...Petitioner

Versus

State of Punjab ...Respondent

(2) **CRM-M-46668-2021 (O&M)**

Karaj Singh ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision:- 25.7.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. S.P.S. Sidhu, Advocate for the petitioner
in CRM-M-14083-2021.

Mr. Nandan Jindal, Advocate for the petitioner
in CRM-M-46668-2021.

Mr. Tanvir Joshi, AAG, Punjab and
Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Gurnam Singh.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Dipesh Grover and Karaj Singh seeking grant of regular bail in a case registered against them vide FIR No.274 dated 8.12.2020 under Sections 420, 465, 468, 471, 473/120-B IPC and under Sections 61 and 78(2) of the Punjab Excise Act at Police Station Rajpua, District Patiala.

2. The FIR was lodged pursuant to receipt of secret information by the police to the effect that Dipesh Grover, Karaj Singh, Hardeep Singh, Gurpreet Singh alongwith some unknown persons indulged in preparing adulterated/illicit liquor, which was being prepared from Extra Neutral Alcohol (hereinafter referred to as 'ENA') with the help of a machine in a godown in front of Scholar Public School, Rajpura bye-pass.
3. Pursuant to said information, a raid was conducted at the nominated place and Dipesh Grover and Karaj Singh were found drawing ENA from a tanker bearing Registration No. HR-37D-6287 in a drum for the purpose of preparing illicit/adulterated liquor. It is further alleged that huge quantity of ENA was recovered from the tanker in question. Dipesh Grover and Karaj Singh were arrested at the spot. Some other vehicles were also found at the premises in question. One person by the name of Sachin was also found, who was employee of Dipesh Grover and it is alleged that he used to affix seals on the liquor bottles and used to supply the same to various persons.
4. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that the falsity of the case would be established from the fact that ENA seized by the police was got released on '*supurdari*' by M/s Mohan Meakin Ltd., as would be evident from application dated 15.12.2020 (Annexure P-4 in CRM-M-46668-2021) filed by M/s Mohan Meakin Ltd. for release of 20,000 liters of ENA, which was accepted by the trial Court vide order dated 24.12.2020 passed by learned SDJM, Rajpura (Annexure P-5 in CRM-M-46668-2021). It has been submitted that the very fact that M/s Mohan Meakin Ltd. applied for release of seized ENA and learned SDJM, Rajpura while accepting the

contentions had ordered for its release to M/s Mohan Meakin Ltd. would clearly show that it is M/s Mohan Meakin Ltd., who was the owner of the said ENA and that the petitioners have nothing to do with the same. The learned counsel have further submitted that in any case the petitioners have been behind bars for a substantial period of 1 year and 7 months and as such, deserve the concession of regular bail.

5. Opposing the petition, the learned State counsel has submitted that the petitioners were caught red-handed while drawing ENA from the tanker in question and that even if it is assumed that 20,000 liters of ENA was in the process of transportation and was meant to be delivered to M/s Mohan Meakin Ltd. at its bottling unit in village Bhankarpur, Tehsil Derabassi, District SAS Nagar, Mohali, the same would not negate the complicity of petitioners inasmuch as the tanker in question was found in the godown in front of Scholar Public School, Rajpur bye-pass, while ENA was being drawn from the same by accused. It may be a case of pilferage of ENA by accused in connivance with the driver of tanker or it may even be a case that the ENA being drawn by the accused from a tanker was in addition to the assignment of 20,000 liters of ENA, which was meant for M/s Mohan Meakin Ltd. Both the petitioners stand involved in several other cases including cases under Excise Act, which reflects on their credentials and show that they are habitual offenders and have been indulging into preparing spurious liquor posing a threat to the consumers of such liquor.
6. The present case is not just a case of possession of illicit liquor but is a case where the accused were into preparing spurious liquor from ENA. Petitioners have not come out with any explanation as to for what purpose

they were drawing ENA from Tranker. Availability of cheap spurious liquor promotes addiction, particularly amongst youth, making hollow the foundation of a progressive state. Having regard to the nature of offence, its far reaching ramifications and the fact that it is the present two petitioners who were caught red-handed at the spot, no case for grant of regular bail is made out at this stage.

7. Both the petitions are sans merit and are hereby dismissed.
8. The prosecution to ensure presence of witnesses on the dates, as may be fixed by the trial Court for recording their statements, so that conclusion of trial is not delayed.
9. A photocopy of this order be placed on the file of connected case.

25.7.2022

kamal

(Gurvinder Singh Gill)
JudgeWhether speaking /reasoned
Whether ReportableYes / No
Yes / No