

CRM-M-15016 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15016 of 2022

Date of Decision: 8th April, 2022

Goldy Masih

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. N. S. Gill, Advocate for the petitioner.
Mr. Amit Mehta, Senior DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

Present: Mr. N. S. Gill, Advocate for the petitioner.
Mr. Amit Mehta, Sr. Deputy Advocate General, Punjab.

The petitioner is seeking anticipatory bail in FIR No. 8 dated 19.1.2022, under Section 61 of the Punjab Excise Act, 1914 (for short, 'the Act'), registered at Police Station Ramdas, District Amritsar (Rural).

The police received a secret information that petitioner-Goldy Masih was distilling and selling illicit liquor in his house. On conducting the raid, 500 kgs. of *lahan* was recovered. The petitioner was able to flee from the spot.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and there is no independent witness to the recovery.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of anticipatory bail. On instructions from

ASI-Avtar Singh, he submits that the petitioner is involved in six more cases under the Act and he is habitual offender. He further submits that it is not even disputed that the house where the raid was conducted belongs to the petitioner.

The effect of non joining of independent witness would be the subject matter of trial. The recovery is from the house belonging to the petitioner and as per the case set up he was able to flee from the spot. No case is made out for pre-arrest bail, as deeper probe is required to un-earth the *modus operandi* and the network of manufacture and sale of illicit liquor.

The petition is dismissed.

8th April, 2022

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[AVNEESH JHINGAN]
JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No