

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

103

CRM-M-15870-2022

Date of Decision : **April 20, 2022**

PARMENDER

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sansar Kundu, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 103 dated 21.3.2022 under Section 61 of the Punjab Excise Act, 1914, registered at Police Station, Julana, District Jind.

As per the FIR which was lodged on the basis of information of Chief Minister Flying Squad Unit and thereafter raid was conducted with regard to illicit liquor which was sold at village Buradahar on Kinana Road in the iron kiosk near the rivulet where one co-accused, namely Hari Om son of Ram Phal was found at the kiosk, who was asked to produce the documents relating to keeping the liquor but he stated that he had no documents and there was a recovery of 13 boxes of bottles Jagadhri brand, 9 boxes new malta bottles, 13 boxes Masti Malta bottles, 20 quarterloose Jagadhri, 31 beer Tuberg, 21 bottles English O/BBLIE which were kept by the said Hari Om in his custody without any licence.

When the matter was investigated by the police, the aforesaid Hari Om (co-accused) made disclosure statement that he used to get liquor from the petitioner for the purpose of selling but he himself had no licence and as per the prosecution there was profit sharing between the petitioner and Hari Om (co-accused).

The learned counsel for the petitioner has submitted that so far as the present petitioner is concerned, he was having a valid licence for the purpose of selling liquor and, therefore, he cannot be burdened with any liability in case someone else was selling the liquor without any licence. He has, therefore, prayed for the grant of anticipatory bail.

On the other hand, Mr. Naveen Singh Panwar, DAG, Haryana has stated that he has received an advance copy of the present petition and he has also sought instructions. The learned State counsel has submitted that it is a case where although the petitioner was having a licence to sell the liquor at a particular place but he had entered into an agreement with the other co-accused, namely, Hari Om who used to sell illicit liquor at a different place near the rivulet everyday and the profit out of the same was shared equally between them. The learned State counsel has further submitted that the petitioner is also involved in as many as four other cases and the petitioner does not have clean antecedents. Reference of these cases was also made in para No.12 of the petition. He submitted that it is a case where the illicit liquor was being sold at the instance of the petitioner and in fact the entire liquor was sold by the petitioner through other co-accused, namely, Hari Om and, therefore, it is a case where the custodial investigation is required for the purpose of elicitation of truth and as to how long he was doing this illicit business and at what other places he was doing so and for the purpose of qualitative interrogation, the custodial investigation of the petitioner is required.

I have heard the learned counsels for the parties.

It is a case where the allegation against the petitioner is that he was selling liquor through the co-accused from a place which was near the rivulet and the other co-accused did not have any authority or licence to sell the same and as per the prosecution the profit of the same was to be shared equally between the petitioner and the other co-accused. The menace of selling illicit liquor is at large and at many places even serious consequences have taken place. The petitioner does not have clean

antecedents and he is also involved in 4 more cases although those cases are pertaining to the provisions of IPC and not under the Excise Act. The argument raised by the learned counsel for the petitioner that the petitioner was having a valid licence would not sustain in view of the fact that the allegation against the petitioner was that he was himself selling the liquor at an unauthorized place through co-accused. Therefore, this Court is of the view that the argument raised by the learned State counsel that for the purpose of qualitative interrogation the custodial investigation of the petitioner is required does carry weight and cannot be ignored.

Consequently, finding no merit in the present petition, the same is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

April 20, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No