

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

CRM-M-33855-2021 (O&M)
Date of Decision:- 10.2.2022

Hardeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.L.Batta, Senior Advocate with
Mr. Mandeep K. Sajjan, Advocate the petitioner.

Mr. M.S.Dullat, Additional A.G. Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.274 dated 8.12.2020 under Sections 420, 465, 468, 471 IPC and under Sections 61 and 78 (2) of the Punjab Excise Act at Police Station Rajpura, District Patiala.
2. The FIR was lodged with the allegation that accused 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 with the help of a machine in the 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 Extra Neutral

Alcohol 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 Extra Neutral Alcohol 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. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and admittedly was never present at the spot when a raid was conducted and Extra Neutral Alcohol is alleged to have been recovered from a godown. It has further been submitted that the petitioner has nothing to do with the godown in question.
5. Opposing the petition, the learned State counsel has submitted that at the time of conducting the raid at the godown in question where a tanker was seized containing Extra Neutral Alcohol and where co-accused Dipesh Grover and Karaj Singh was found drawing Extra Neutral Alcohol from the tanker, a vehicle bearing registration No. PB-11-CP-2712 was also found parked and which upon inquiry has been found to be registered in the name of the petitioner. It has further been submitted that as many as 180 bottles of country made liquor were recovered from the said four wheeler bearing registration No. PB-11-CP-2712 and as such, the complicity of the petitioner is clearly evident. The learned State counsel has informed that the petitioner as on date has been behind bars since the last 1 year and 22 days and

happens to be involved in 3 other FIRs and that no PW out of the cited 46 prosecution witnesses has been examined so far.

6. I have considered rival submissions addressed before this Court.
7. Keeping in view the fact that the petitioner was not present at the spot but his vehicle was found parked at the place of occurrence from which 180 bottles of country made liquor were recovered, it would be debatable as to whether the petitioner can be attributed conscious possession of the country made liquor or that he had any active role to play in the preparation of illicit liquor. In any case, the petitioner has been behind bars for a substantial period of more than 1 year. Conclusion of trial is likely to consume time. In these circumstances, further detention of the petitioner will not serve any useful purpose.
8. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.2.2022

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No