

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

**207**

**CRM-M No. 34750 of 2022**

**Date of Decision: 16.08.2022**

**DHARMJEET ALIAS KALA**

**.....Petitioner**

**Vs**

**STATE OF HARYANA**

**.....Respondent**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Rajnikant Upadhyay, Advocate  
for the petitioner.

Mr. Narinder Singh Behgal, AAG, Haryana.

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**RAJ MOHAN SINGH, J. (Oral)**

Petitioner, in his second attempt, seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.754 dated 07.11.2020, registered under Section 61 of the Punjab Excise Act and Sections 120-B/ 272/420/467/468/471 IPC and Section 72-A of the Punjab Excise Act (added later on) at Police Station City Sonapat District Sonapat.

Earlier petition bearing CRM-M No.13681 of 2021, filed by the petitioner, was got dismissed as withdrawn vide order dated 03.08.2021 with liberty to file a fresh petition with better particulars.

FIR was registered on the basis of secret information.

Based on such secret information, police recovered illicit liquor

from co-accused Saurabh. On interrogation of Saurabh, police also found involvement of the petitioner. Three bottles of illicit liquor were recovered from the petitioner and on being subjected to chemical analysis, the same were found to be containing methyl alcohol. The holograms fixed on the bottles were found to be fake. On verification from the concerned company, it was found that the liquor was never manufactured by the said company. The said liquor was being manufactured at an illegal factory and co-accused Anil used to supply the said liquor from his shop.

Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of disclosure statement of co-accused Saurabh and is in custody since 09.11.2020. Challan has already been submitted on 02.01.2021 and after framing of charges, even seven prosecution witnesses have been examined out of total seventeen witnesses. In other two criminal cases, petitioner is on bail. Co-accused Saurab has already been granted regular bail by the trial Court.

Learned State counsel, however, opposed the bail on the ground that the methyl alcohol is a poison and an effort was made to serve poison to the consumers. Learned State counsel, on instructions from ASI Ashu Rai, however, admits that there was no supply of illicit liquor to any consumer.

Only three bottles of illicit liquor were recovered from the petitioner. Co-accused Saurabh has already been released on regular bail by the trial Court. Complicity of the petitioner would remain debatable in the context of disclosure statement of co-accused Saurabh and alleged recovery of three bottles of illicit liquor.

Keeping in view the fact that the petitioner is in custody since 09.11.2020, I deem it appropriate to enlarge the petitioner on regular bail, without meaning anything on the merits of the case.

In view of above, this petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

16.08.2022

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**(RAJ MOHAN SINGH)**  
**JUDGE**

**Whether speaking/reasoned      Yes/No**  
**Whether reportable          Yes/No**