

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-47003-2022 (O&M)  
Date of Decision:-1.12.2022

|                  |        |                |
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| Anil Kumar       | Versus | ... Petitioner |
| State of Haryana |        | ... Respondent |

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Shokeen Singh Verma, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,  
assisted by PSI Sandeep Kumar.

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**GURVINDER SINGH GILL, J.** (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.199, dated 2.8.2021, Police Station Sadar Dadri, District Charkhi Dadri, under Section 61(1) of PUnjab Excise Act, 1914 (Haryana Amendment Bill, 2020),
2. The allegations, in nutshell, are to the effect that the police received secret information to the effect that Anil Kumar and Ramesh are into sale of liquor illegally from a cemented room in the fields. Pursuant to receipt of said information, a raid was conducted by the police at Village Chhappar. A search of the said cemented room led to recovery of four boxes (total 24 bottles) of 'Masti Malta' country made liquor, apart from 19 half bottles and 23 quarter bottles of 'Masti Malta' country made liquor.
3. Reply by way of affidavit of Shri Virender Singh, HPS, DSP, HQ., Charkhi Dadri has been filed by learned State counsel today in Court, which is taken on record. Para No.5 of the reply reads as follows:

“That since the petitioner had already joined investigation in this case on 15.04.2022 in compliance of order dated 03.12.2021 passed by this Hon'ble Court in CRM-M No. 50528 of 2021 and his custodial interrogation is/was not required, there was no need to obtain the petitioner on production warrant in the present case, while he was in custody in case FIR No. 201 dated 02.08.2021, under Sections 20 and 21 of the N.D.P.S. Act 1985 PS Sadar Dadri on 11.04.2022. It is further submitted that during investigation of the case, source of liquor recovered was found to be legit Liquor vend situated at village Chappar which was being run by the petitioner and co-accused Ramesh. The petitioner has disclosed in his statement that he and co-accused Ramesh had jointly taken liquor vend situated at village Chappar. However, due to less sale of liquor at the vend in village Chappar, he and Ramesh started selling some liquor in the field of Kuldeep.”

4. A perusal of the aforesaid reply indicates that the State has taken a categorical stand that the custodial interrogation of the petitioner is not required and, as such, there was no need to obtain production warrants of the petitioner while he was already in custody in connection with another case i.e. FIR No.201, dated 2.8.2021, Police Station Sadar Dadri, under Sections 20 and 21 of Narcotic Drugs and Psychotropic Substances Act, 1985.
5. Learned State counsel has reiterated the aforesaid stand, upon instructions from PSI Sandeep Kumar.
6. In view of the aforestated position, wherein this Court finds that the State does not insist upon the custodial interrogation of the petitioner, the petition is accepted and it is ordered that the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with

the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

1.12.2022

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( Gurvinder Singh Gill )  
Judge

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |