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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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Date of Decision: 09.10.2023

Gursewak Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Shivender Pal Singh, Advocate for  
Mr. B.S. Bhalla, Advocate,  
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

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**JASGURPREET SINGH PURI, J. (ORAL)**

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.92, dated 17.07.2023 under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Raja Sansi, District Amritsar Rural.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and he was not present at the time when the alleged occurrence had taken place. He further submitted that no recovery was effected from the conscious possession of the petitioner and he was not present at the spot and the *Lahan* (raw material used for making illicit liquor) was allegedly found from the house of the petitioner, where the petitioner and his co-accused/brother Varinder Singh lived. He also submitted that the petitioner was falsely implicated only because of the reason that earlier also he was involved in 8 more cases under

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the Excise Act and it was due to political enmity that the petitioner has been falsely implicated in the present case.

3. On the other hand, Mr. Ramdeep Partap Singh, learned Sr. DAG, Punjab stated that he has received an advance copy of the present petition and has also sought instructions from the police officer, who is present in the Court. He further submitted that the petitioner is not entitled for grant of anticipatory bail in view of the fact that when the police party received information that the illicit liquor is being manufactured in the house of the petitioner and his brother, namely, Varinder Singh, who is the co-accused and when the police party visited the place, the petitioner and the co-accused ran away from the back door on seeing them and in the meantime, even the Excise Inspector, who was informed, had also reached and it was seen by the police party that they were in the process of manufacturing of illicit liquor and two working stills were installed in the cattle shed and cylinders were also attached with them and the iron drums were fitted on them and pipes were also fitted with the utensils. *Lahan* was recovered, which has a total weight of 1800 kgs. contained in 10 drums containing 180 kgs. each. When the Excise Inspector reached the spot, then he also checked the same and apart from the above, there was also recovery of 138 bottles of illicit liquor. He further submitted that for the purpose of making illicit liquor, two different independent set ups were installed in the cattle shed and in other places and the petitioner managed to escape from the spot on seeing the police party.

4. Learned State counsel further submitted that the petitioner is a habitual offender and is involved in 7 more cases under the Excise Act. He

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also brought to the notice of this Court that the present occurrence has taken place in District Amritsar and about 3-4 years ago, there had been a huge tragedy in the District Amritsar, where lot of people died because of consumption of illicit liquor and submitted that the matter has been not only serious in nature, but is also having high magnitude effecting the lives of the people, therefore, the petitioner does not deserve the concession of anticipatory bail.

5. I have heard the learned counsels for the parties.

6. The allegations as aforesaid against the petitioner were pertaining to recovery of 1800 kgs. of *Lahan* and 139 bottles of illicit liquor although the petitioner was not apprehended from the spot and as per the allegations, he fled away. The petitioner is stated to be a habitual offender and is involved in 7 more cases under the Excise Act. The alleged recovery from the house of the petitioner, which had raw material for making the illicit liquor, two different set ups being operated and large number of bottles of illicit liquor, therefore, this Court is of the view that considering the gravity and magnitude of the offence involved, the petitioner does not deserve the concession of anticipatory bail.

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

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

09.10.2023

(JASGURPREET SINGH PURI)

*Bhumika***JUDGE**

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable:        | Yes/No |