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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58720-2023
Date of decision: 22.11.2023

SANDEEP ALIAS SANDEEP SISODIA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Ankit Rana, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Senior DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.65 dated 01.08.2023, under Sections 61 and 78 of the Punjab Excise Act, 1914, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner was neither named in the FIR nor there had been any recovery from him and his name was nominated on the basis of disclosure statement of one co-accused, namely, Piyush, who was the driver of the canter from where there was recovery of 600 boxes of illicit liquor. He further submitted that the petitioner is innocent and not involved in the present case and he was nominated purely on

the basis of the disclosure statement of aforesaid co-accused, which is not admissible in evidence and therefore, the petitioner deserves the concession of anticipatory bail.

3. On the last date of hearing i.e. on 21.11.2023, the learned State counsel had prayed for one day time to seek instructions in the present case with regard to the antecedents of the petitioner. Mr. Ramdeep Partap Singh, Senior DAG, Punjab submitted that the learned counsel for the petitioner has supplied him a copy of the present petition and he has sought instructions from ASI Karam Singh in the present case. He further submitted that it is a case where the police intercepted a canter, which was being driven by one co-accused, namely, Piyush and from the said canter, there had been a recovery of 600 boxes of country-made liquor which is a huge quantity. He further submitted that the aforesaid boxes of country-made liquor was illicit liquor and was covered by a tarpal and the said liquor was made of desi santra which was meant for sale in U.T., Chandigarh. He also submitted that when the aforesaid co-accused, namely, Piyush was apprehended, he disclosed that the present petitioner and two other co-accused have sent him to deliver the aforesaid 600 boxes of illicit liquor at Meerut, Uttar Pradesh and for this purpose, the aforesaid co-accused, namely, Piyush, who was the driver of the canter used to get Rs.10,000/- per visit. He further submitted that the recovered quantity is a huge quantity and the petitioner is also a habitual offender. He further submitted that there is one more FIR registered against the petitioner in the State of Punjab bearing FIR No.20 dated 01.08.2023, under Sections 61, 78-1-14 of the Excise Act, registered at Police Station Sirhind, District Fatehgarh Sahib, in

which there had been a recovery of 250 boxes of illicit liquor from the possession of the petitioner himself. He further submitted that there is another FIR No.34 dated 16.05.2023, under Section 39(1) of the H.P. Excise Act, registered at Police Station Rajgarh, District Sirmaur, H.P. against the petitioner pertaining to 120 boxes of illicit liquor in the State of Himachal Pradesh and the petitioner had been frequently doing this business of illicit liquor, which was a cross-State transportation of illicit liquor which may also affect the human health. He also submitted that the custodial interrogation of the petitioner is required for elicitation of truth and for the purpose of qualitative investigation and also referred to a judgment of the Hon'ble Supreme Court in **State represented by CBI versus Anil Sharma, 1997 (7) SCC 187** in this regard.

4. I have heard the learned counsel for the parties.

5. The prayer in the present petition is for grant of anticipatory bail to the petitioner. The argument which has been raised by the learned counsel for the petitioner is that there was no recovery from the petitioner and his name surfaced on the basis of disclosure statement of aforesaid co-accused, namely, Piyush from whom there was a recovery of 600 boxes of illicit liquor.

6. However, on the other hand, Mr. Ramdeep Partap Singh, Senior DAG, Punjab has vehemently opposed the grant of anticipatory bail to the petitioner on the ground that there had been a huge recovery of illicit liquor from the aforesaid co-accused and the petitioner was the person who had sent the aforesaid co-accused to deliver the aforesaid boxes of illicit liquor and he has been doing the illegal trade of illicit liquor across different States. It is not a case where the petitioner is a first time offender or has no criminal antecedents

but it is a case where the learned State counsel has highlighted that there is one more FIR against the petitioner in the State of Punjab, whereby from the possession of the petitioner there was a recovery of 250 boxes of illicit liquor and another FIR against the petitioner in the State of Himachal Pradesh, whereby there was recovery of 120 boxes of illicit liquor from the possession of the petitioner as aforesaid.

7. This Court is of the considered view that considering the aforesaid facts and circumstances of the present case and considering the gravity and magnitude of the offence, the present petitioner does not deserve the concession of anticipatory bail.

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

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

22.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No