

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

CRM-M-58606-2023

Date of Decision:28.11.2023

Manish Raut

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Navneet Kaur Waraich, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 156 dated 10.06.2023, registered under Sections 467,468,471,473,120-B of IPC and 61(1) (a) of Haryana Amendment Excise Act, 2020 Police Station Manesar, District Gurugram.

2. As per the case of the prosecution, a secret information was received to the effect that a truck bearing registration No. DL-1GC-6597 was parked in front of 66 KV Sub-Station, Sector-2, ITT Manesar. A raid was conducted and the truck was found parked there. The petitioner was found at the spot and was arrested from there. The truck was found loaded with 200 cartons of Turborg, 100 cartons of Magic Moments Grain Vodka, 199 cartons of Royal Stag, 300 cartons of Mcdowels No.1, thus total 799 cartons on which “for sale in Punjab only” was written. With these allegations the FIR in the present case was registered against the petitioner and others.

3. Learned counsel for the petitioner contends that the petitioner had no knowledge with regard to the loading of liquor in the truck and he had driven the truck on the instructions of owner of truck. Learned counsel next contends that the petitioner was arrested in the present case on 10.06.2023 and is in custody since then. In the present case, the final report under Section 173 Cr.P.C has already been presented and the charge has not been framed against the petitioner so far.

4. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the main accused Dheeraj Ahuja is yet to be arrested and the petitioner may tamper with the prosecution evidence.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 10.06.2023 and is continuing in custody since then. The petitioner is only driver of the truck, which was found loaded with illicit liquor by the police. Thus, further custody of the petitioner will serve no meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

28.11.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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