

102 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH
CRM-M-64844-2023
Date of Decision:22.12.2023

Makhan Singh ...Petitioner

Vs.

State of Punjab ...Respondent

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

Present: Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has moved the present petition under Section 438 Cr.P.C with a prayer to grant anticipatory bail to him in case FIR No.129 dated 10.11.2023 registered under Section 61 of Punjab Excise Act, 1914, Police Station Sadar, Police District Batala.

2. As per the case of the prosecution, on 10.11.2023, the complainant along with other police officials was present for patrolling and in the meantime, a secret informer informed that Makhan Singh used to bring illicit liquor from outside at lower price and used to sell the same in the village at a high price. On that day, he was selling illicit liquor in his house and if a raid was conducted, huge quantity of illicit liquor could be recovered. On this, a police team raided at the house of the present petitioner, but the petitioner got escaped from the spot. On the search, a jerry cane of illicit liquor was recovered from his house and on measuring, it was found that the total recovery from the present petitioner was of 40 bottles of illicit liquor.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. He further contends that even the story projected by the prosecution was apparently false, because it was impossible for the petitioner to run away from the spot. Even otherwise, illicit liquor has already been recovered from the house of the petitioner, thus, his custodial interrogation is not required at this stage.
4. On the other hand learned State counsel has vehemently opposed the submissions made by learned State counsel on the ground that the petitioner is a habitual offender. Learned State counsel further submits that the petitioner is already involved in five other cases of similar nature and since the petitioner is repeatedly indulging in the same crime, he was not entitled to the benefit of concession of anticipatory bail.
5. I have heard learned counsel for the parties and perused the record.
6. No doubt, the police had recovered 40 bottles of illicit liquor from the house of the petitioner, but the petitioner does not deserve the concession of anticipatory bail. The petitioner is involved in five more cases of similar nature and there is every likelihood of reapeation of crime by the petitioner. Still further, the petitioner had been indulging in illegal activities and the present petition is meritless and the same is liable to be dismissed.

22.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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