

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CRM-M-7482-2024
2023: PHHC: 044520

MANOJ KUMAR @ MANOJ Petitioner
Vs.
STATE OF HARYANA Respondent

2. CRM-M-12111-2024
2023: PHHC: 044521

SAWROOP SINGH Petitioner
Vs.
STATE OF HARYANA Respondent

3. CRM-M-14761-2024
2023: PHHC: 044522

PAWAN SHARMA Petitioner
Vs.
STATE OF HARYANA Respondent

Reserved on: 01.04.2024
Pronounced on: 02.04.2024

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. J.P. Jangu, Advocate,
for the petitioner (in CRM-M-7482-2024)

Mr. Vinod Ghai, Sr. Advocate, with
Mr. Shivam Sharma, Advocate,
for the petitioner (in CRMs-M-12111 & 14761-2024)

Mr. Sumit Jain, Addl. A.G., Haryana.

DEEPAK GUPTA, J.

In the three petitions tiled above, all filed under Section 439
CrPC, petitioners pray for their release on regular bail in case FIR No.494
dated 27.12.2023 under Sections 120-B, 420, 467, 468 and 471 IPC and

Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) registered at Police Station Sadar Narnaul, District Mahendergarh.

2. Separate status reports have been filed in all the three cases on behalf of the respondent-State.

3.1 As per allegations, on 27.12.2023, on the basis of secret information, a container bearing registration number MP-07-GA-7695 loaded with illicit liquor was apprehended during a nakabandi done near Guwana Toll at National Highway No. 152D. Driver disclosed his name as Hanuman Godara and produced built papers in respect of boxes containing medicines. However, on checking the container, as many as 515 boxes of liquor of different brands were recovered. Driver Hanuman Godara disclosed that he was delivering the said illicit liquor from Chandigarh to Rajkot (Gujarat) on the direction of his owner namely, Hanuman Sahran resident of Badmer (Rajasthan). Samples were drawn and the liquor along with the vehicle were taken into possession. On the basis of tehrir sent to the police station, FIR was registered.

3.2 During investigation, driver Hanuman Godara suffered disclosure statement, as per which vehicle container No. MP-07-GA-7695 belongs to Swaroop Singh (*petitioner in CRM-M-12111-2024*). He also demarcated the place, where container was handed over to him at Chandigarh-Panchkula road and from where the co-accused had loaded the liquor in the vehicle. Accused Swaroop Singh (*petitioner in CRM-M-12111-2024*) was arrested on 02.01.2024 and on interrogation, he suffered disclosure statement, admitting his involvement in the crime. He also disclosed that he came in the business of supplying illicit liquor along with

Naresh Kumar resident of Dinod, District Bhiwani; Gogaram resident of Dhorimuna, Police Station District Badmer; Prem Kumar resident of Nepal; Ashok Kumar resident of Rajgarh, Rajasthan; and Vijaybhai resident of Sunder Nagar, Gujarat and for that purpose, a flat had been taken on rent by Naresh Kumar. It was also disclosed that Naresh Kumar and Prem Kumar used to get the illicit liquor loaded in the vehicles from Chandigarh and that their partner Vijaybhai used to sell the same in Gujarat and then they used to share the profits. It was further disclosed by him that Manoj Kumar @ Manoj (*petitioner in CRM-M-7482-2024*) resident of Nakhrola, Manesar District Gurugram, used to provide vehicles for smuggling illicit liquor, by installing fake numbers on vehicles and preparing fake documents of such vehicles, whose installments were broken. They used to load the illicit liquor in the vehicles and send to Gujarat with fake bills and built up of the goods.

3.3 Police remand of Swaroop Singh (*petitioner in CRM-M-12111-2024*) was obtained and he led the police party to Transport Nagar, Sector 26, Chandigarh from where he got loaded the illicit liquor from the co-accused. He also identified co-accused Sanju @ Sanjay Singh Rana, who was involved in loading the illicit liquor in vehicle. Said Sanju @ Sanjay Singh Rana was arrested on 04.01.2024. He produced three mobile phones along with SIMs, which were taken into possession. On interrogation, he suffered disclosure statement admitting his involvement in the crime. It was disclosed by him that he along with his friends had constituted a firm in Chandigarh in the name and style of M/s Akal Shaye Wine Pvt. Ltd. Sector 26, Chandigarh. He also disclosed the mobile number, on which he and

other liquor venders dealing in illicit liquor had created a group on their respective mobiles in the name of M/s Akal Shaye and one other group by using which liquor was sent on contract. They used to send illicit liquor to Gujarat and Bihar through trucks. He also disclosed the names of Pawan Sharma (*petitioner in CRM-M-14761-2024*), besides that of Kulbir Singh, Ramanjeet, Sajeev, Nirmal Singh, Virender Singh, Vikrant Sharma and Gurinder, who were members of this group and all of whom used to put money in liquor contracts. As per him, it is Kulbir, who used to send illicit liquor to Gujarat and Bihar and that they had taken the license of liquor vends in the name of Shiv Kumar son of Keshav Pratap; and Kulvinder son of Laxman, who were their employees. He also got recovered two registers from the godown having necessary details.

3.4 Later on, Manoj Kumar @ Manoj (*petitioner in CRM-M-7482-2024*) was arrested on 05.01.2024 and he admitted to have provided a container to Swaroop Singh and Naresh Kumar by affixing fake registration No. MP-07-GA-7695.

3.5 During police remand, Swaroop Singh also got recovered two copies of two duplicate bilties along with two diary, ₹4500 cash and a vehicle bearing No.GJ-25T-8255, which were taken into possession. Relevant record was also obtained from Excise Department, Chandigarh pertaining to the license holders.

3.6 During further investigation, Gogaram was arrested on 14.01.2024, who admitted his involvement in the crime. He got recovered a bilty book, which was taken into possession. On verifying the chassis number and engine number of container No. MP-07-GA-7695 through

which the illicit liquor was being smuggled, it was found that the real registration number of the said truck was NL-01-AC-6373, which was registered in the name of Sanjay Kumar Shiwach. Said Sanjay Kumar Siwach was initially arrested on 04.02.2024, but no evidence could be collected to connect him with the crime and so, he was got discharged.

3.7 Pawan Sharma (*petitioner in CRM-M-14761-2024*), whose name had surfaced in the disclosure statement of Sanju @ Sanjay Singh Rana, was arrested on 11.02.2024 and on interrogation, he suffered disclosure statement admitting that he along with his companions had made two firms in the name of M/s Akal Shaye Wine Pvt. Ltd. and that they had obtained the license in the names of their servants Shiv Kumar and Kulvinder. He also led the police party to the place, from where his companion had got loaded the liquor in the container.

3.8 After completion of the investigation, final report under Section 173 CrPC was submitted against Hanuman Godara driver, Swaroop Singh, Sanju @ Sanjay Singh Rana, Gogaram and Manoj Kumar @ Manoj; whereas Shiv Kumar, Kulvinder, Kulbir, Naresh Kumar etc. are yet to be arrested.

4. It is contended by Id. counsel on behalf of Manoj Kumar @ Manoj (*petitioner in CRM-M-7482-2024*) that he has been falsely implicated on the basis of disclosure statement of co-accused; that an amount of ₹4500/- is shown to have been recovered from him; that he is in custody for the last approximately 4 months despite having no concern with the case; that trial may take long time to conclude and so, he be granted bail.

5. On behalf of Swaroop Singh (*petitioner in CRM-M-12111-2024*), it is contended by ld. Senior counsel that he was not named in the FIR; that his name was not even disclosed by co-accused Hanuman Godara, driver of the container and that his name has emerged in the statement of Sanju @ Sanjay Singh Rana. Ld. counsel further contended that recovery of vehicle No.GJ-25-T-8255, not connected with the crime, two diaries and ₹4500/- is shown to have been effected from the petitioner, besides two duplicate bilties and it is highly improbable that petitioner would get the said recovery effected from a house, in which many other people are also residing. Ld. counsel also contends that petitioner is in custody for the last about 4 months; that trial may take time to conclude and so, he be granted bail.

6. On behalf of the Pawan Sharma (*petitioner in CRM-M-14761-2024*), it is contended that he has been implicated on the basis of disclosure statement of the co-accused Sanju @ Sanjay Singh Rana; that there is no legally admissible evidence against him; that no recovery has been effected from him; that he has been made an accused simply because he had stood surety for GST number of M/s Akal Shaye Wine Pvt. Ltd., though the license of said company is in the name of Shiv Kumar and Kulvinder Singh and the godown in question is being used by many liquor venders. Ld. counsel also contends that there is no allegation of forgery against the petitioner and that in all the circumstances, petitioner be granted bail.

7. Opposing all the three petitions, ld. State counsel contends that there are serious allegations of smuggling of huge quantity of liquor i.e. 515 boxes from Chandigarh to Gujarat, which is a dry State; that said smuggling

of liquor was being done by using forged documents for medicines; that liquor is stated to be of M/s Akal Shaye Wine Pvt. Ltd., which is involved in the illegal transportation of the liquor; that sufficient evidence has surfaced against the petitioners during investigation; that all the accused have not been arrested so far and in these circumstances, petitioners do not deserve to be the benefit of bail.

8. I have considered submission of both the sides and have appraised the record.

9. Recovery of 515 boxes of liquor has been effected from a container, which was being driven by co-accused Hanuman Godara. Initially, Swaroop Singh (*petitioner in CRM-M-12111-2024*) was stated to be owner of the container but it was found that container was supporting a forged number plate and in fact, the container was owned by Sanjay Kumar Shiwach. Manoj Kumar @ Manoj (*petitioner in CRM-M-7482-2024*) is alleged to have provided the vehicle for transportation of the illicit liquor. Pawan Sharma (*petitioner in CRM-M-14761-2024*) is alleged to be the partner of M/s Akal Shaye Wine Pvt. Ltd. along with Sanju @ Sanjay Singh Rana and others, who are involved in the transportation of the illicit liquor to Gujarat & Bihar. Most of the prosecution case is based upon the disclosure statements and the consequent recovery. Trial may take time to conclude. Manoj Kumar @ Manoj (*petitioner in CRM-M-7482-2024*) is in custody since 05.01.2024; Swaroop Singh (*petitioner in CRM-M-12111-2024*) is in custody since 02.01.2024; whereas Pawan Sharma (*petitioner in CRM-M-14761-2024*) is in custody since 11.02.2024. No purpose shall be served by keeping the petitioners behind the bar.

10. Having regard to all the facts and circumstances as noted above and nature of evidence collected qua the petitioners to connect them with the crime, but without commenting anything further on merits of the case, petitions are allowed. Petitioners are admitted to regular bail on their furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, by observing usual terms and conditions.

Any pending application(s), if any, shall stands disposed of.

A photocopy of this order be placed on the file of another connected case.

02.04.2024
Vivek

(DEEPAK GUPTA)
JUDGE

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| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |