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

**CRM-M-20125-2024
DATE OF DECISION: 24.04.2024**

Sukhwinder Singh

...PETITIONER

Versus

State of Punjab

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.S. Sarwara, Advocate for the petitioner(s).

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This petition has filed for grant of anticipatory bail in FIR No. 13 dated 07.03.2024 under Sections 61/1/14 of Punjab Excise Act, 1914 (Section 420/467/468/471/120-B IPC added later on) registered at P.S. Julkan, District Patiala (Annexure P-1).

2. Brief facts of the present case are that the FIR was registered on the basis of secret information that one Jasbir Singh along with Deepak Kumar used to supply spirit/alcohol in heavy quantity in Punjab and if the raid is conducted then the truck bearing No. PB-65-AH-5713 and one vehicle make Mahindra Pickup bearing registration No. HR-66-A-2789 with heavy quantity of spirit/alcohol can be recovered. Accordingly, the police party reached at the spot and nabbed Jasbir Singh and Deepak Kumar who were transferring the spirit/alcohol



from the truck to the Pickup. Total 29000 litres of spirit/alcohol was recovered and 5 drums of spirit/alcohol each containing 200 litres were recovered from the spot and on the basis of the interrogation, the accused namely Jasbir Singh and Deepak Kumar nominated the petitioner-Sukhwinder Singh in their disclosure statements.

3. Learned counsel for the petitioner contends that no recovery is to be effected from the present petitioner and he has been falsely implicated in the present case and has no connection with the recovery effected from his truck which was being driven by his driver. He further contends that he had no knowledge that alcohol (spirit) is being transported in his truck. Moreover, he is the first time offender and is nominated on the basis of disclosure statement of the main accused.

4. Notice of motion.

5. On the asking of the Court, learned State Counsel, who is present in the Court, accepts notice on behalf of the respondent-State and opposed the present petition on the ground that huge quantity of alcohol i.e. 30000 litres of alcohol was recovered from the spot and the petitioner being owner of the truck does not deserve the concession of anticipatory bail. Also the FSL Report reveals that only 1.66% ethyl alcohol i.e. purest form of alcohol was found in the recovered illicit liquor.

6. Heard.

7. Keeping in view that the menace of distilling of illicit liquor is a serious problem in Punjab, especially in view of the recent deaths



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reported in the city of Sangrur wherein 21 people have died due to consumption of illicit liquor. There is sufficient and direct involvement qua manufacturing of spurious alcohol wherein excessive amount of methanol is added to the making of illicit liquor which causes serious health impacts on its consumer and also spurious alcohol is brewed in obscure places and there are no taxes or checks on the quality of the ingredients and the outcome. It needs no fancy packing or vends to sell. The only USP is that it is much cheaper therefore, this menace has to be stopped or curtailed at the earliest so that the life of the common citizen is not put at stake. Thus, the allegations against the petitioner are serious in nature and therefore, the petitioner cannot be granted the concession of anticipatory bail.

8. The mere fact that the petitioner was not found on the spot would not vest a right upon the petitioner for grant of anticipatory bail more particularly when there are other relevant factors which deserve consideration. It is not a case that the petitioner is involved in case which constitute a private kind of offence or such kind of offences which affects only 1 or 2 persons but on the other hand the petitioner is involved in the commission of such an offence which affects large section of society and it has got not only an adverse social impact but also affects the rights of lives of people at large. There is no dispute regarding the fact that large number of people had died due to consumption of spurious liquor in the State of Punjab and therefore, confiscation of huge quantity of Lahan which affects large number of



persons can certainly become a relevant ground for denial of anticipatory bail to the petitioner. Unlike the banned hooch brewed by villagers through traditional methods that take weeks, the spurious synthetic liquor (lahan) can be prepared in a 12x12 sq. ft. area within hours by just mixing methanol, a flavour, water and colour. In this backdrop the assertion made by the petitioner that he was not present at the spot or had no knowledge that what was being transported in his truck is of no use to the petitioner. In view of the fact that the rising toll of deaths of innocent people by consumption of such spurious liquor reveals a well-organised network of bootleggers and as such the custodial interrogation is necessary to find out the truth so as to unearth the modus operandi not only in manufacturing of the illicit and spurious liquor but also of the selling of the same.

9. Furthermore, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 438 of the Cr.P.C. is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Hon'ble Supreme Court in *State Vs. Anil Sharma : (1997) 7 SCC 187* held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the



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suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

10. Keeping in view the aforementioned facts and circumstances and nature of averments, the petitioner does not deserve the concession of anticipatory bail. Hence, the present petition is hereby dismissed.

24.04.2024
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(SANDEEP MOUDGIL)
JUDGE

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