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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.22259-2024
Date of Decision:-23.05.2024

DILBAGH SINGH @ BAGHA @ BAGA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Jagdeep Kaur, Advocate, for
Ms. Navjot Kaur, Advocate, for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J (ORAL)

Learned State counsel filed short reply dated 22.05.2024 by way of affidavit of Deputy Superintendent of Police, Sub-division Attari, Amritsar (Rural), the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
32	31.03.2024	61 of the Punjab Excise Act	Bhindi Saidan District Amritsar Rural

3. In nutshell, the case putforth by the prosecution is that FIR was registered on receipt of secret information that accused is habitual of



distilling illicit liquor in his house and dealing with the same. Finding the information reliable, raid was conducted at the house of the accused and on seeing police accused fled away from the spot and 360 Kg Lahan, 5 bottles of liquor alongwith a Working Still were recovered from his house.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in this case. He contends that no recovery whatsoever has been effected from the house of the petitioner and the same is planted by the police and the police had not joined independent witnesses. He submits that petitioner is ready to join the investigation, as such, he prays for grant of concession of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply dated 22.05.2024 has opposed the bail application by arguing that recovery of 360 kg. Lahan, five bottles of illicit liquor and working still has been effected from the house of the petitioner which indicates that the petitioner is indulging in distilling the same. He submits that petitioner is involved in 3 more criminal cases out of which two are of similar nature. He submits that considering the nature and gravity of offence custodial interrogation of the petitioner is required, as such prays for dismissal of the petition.

6. After hearing the respective submissions and perusing the record, it transpires that the petitioner was named in the FIR itself for indulging in illicit distillation of liquor by means of Working Still in his house. Consequently, upon raid being conducted by the police, although the petitioner succeeded to run away from the spot but from the house a

Working Still alongwith 360 kg. of Lahan and 5 bottles of illicit liquor were recovered. As per reply submitted by learned counsel for the State, three more criminal cases with two of similar nature, are also registered against the petitioner. The petitioner is stated to be habitual in such activities, therefore, custodial interrogation is required.

7. Resultantly, considering the facts and circumstances of the present case coupled with the nature and gravity of the offence, no case is made out in favour of the petitioner for grant of anticipatory bail. Accordingly, finding no merit in the present petition, the same is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

23.05.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No