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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27029-2024

Decided on: 30.05.2024

Usha Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gaurav Vir Singh Behl, Advocate
for the petitioner.

Mr. Gauravdeep S. Dhaliwal, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
27	26.03.2024	Sadar Patiala, Punjab	61/1/14 of Punjab Excise Act 1914

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal history except the one mentioned in Annexure P-2 & P-3, however as per the reply dated 29.05.2024, petitioner has massive criminal history of 21 cases, out of which, in 07 cases she has been convicted, which are as under:-

Sr. No.	FIR No.	Date/year	Offences	Police Station
1	173	2013	61/1/14 of Excise Act	Sadar, District Patiala
2	222	2013	61/1/14 of Excise Act	Sadar, District Patiala
3	17	2015	61/1/14 of Excise Act	Sadar, District Patiala
4	179	2017	61/1/14 of Excise Act	Sadar, District Patiala
5	86	2020	61/1/14 of Excise Act	Sadar, District Patiala
6	05	2021	61/1/14 of Excise Act	Sadar, District Patiala
7	37	23.06.2021	61/1/14 of Excise Act	Sadar, District Patiala

3. Allegations against the petitioner are being taken from the reply dated



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29.05.2024, which reads as under:-

“3. That the brief facts of the case are that above noted FIR No. 27 dated 26.03.2024, under Sections 61/1/14 of Excise Act at Police Station Sadar, District Patiala was registered against the present petitioner by name on the basis of a Ruqa sent by ASI Balkar Singh No.1939/PTL, Police Post Bahadurgarh, Police Station Sadar Samana, in which, he stated that on 26.03.2024, he along with police party were present at Rajpura Road, Patiala near Village Dhareri Jattan along with laptop printer etc. in a private vehicle. In the meantime, at about 7.30 PM, Excise Inspector Gopal Sharma along with HC Gurbax Singh and HC Jangir Singh met ASI Balkar Singh and they were talking to each other. Then at about 7.50 PM, ASI Balkar Singh received an information from a secret informer that Usha Rani (present petitioner) is habitual of distilling illicit liquor in her house and selling the same to villagers at higher rates and she has kept the Lahan in the iron drums for distilling countrymade liquor in the room situated at first floor of her house. Even today also (i.e. on 26.03.2024), she is going to distill the liquor from Lahan in her house. If raid is immediately conducted at her house, then Usha Rani (present petitioner) can be apprehended along with heavy quantity of Lahan. On the basis of information being reliable, a prima facie case U/s 61/1/14 of Excise Act was made out against the petitioner and on the basis of Ruqa, above noted FIR was registered against her.

4. That thereafter, the police party headed by ASI Balkar Singh conducted a raid at the house of the petitioner, where, the petitioner managed to escape from the roof of her house by using roofs of adjoining houses. On conducting search of the house of the petitioner, from the room built up at first floor of the house, two Iron drums i.e. one red colour drum having capacity of 200 litres, one blue colour drum having capacity of 200 litres and one plastic drum of bluecolour having capacity of 100 litres were recovered. On checking above said iron drums, Lahan was recovered and on measuring the same with 5 litres measurement tool (plastic jar), 160 litres Lahan from Red colour iron drum and 160 litres Lahan from Blue colour iron drum were recovered, while 80 litres Lahan from blue colour plastic drum were recovered. In this manner, total 400 litres Lahan has been recovered from the house of the petitioner. Even the said Lahan was checked by Excise Inspector Gopal Sharma, who confirmed that the said Lahan is raw material Lahan and he also prepared a test report at the spot. The said drums containing Lahan were taken into police custody by ASI Balkar Singh in the shape of parcel after following due procedure.”

4. Counsel for the petitioner submits that the above said FIRs have been registered at



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the instance of Sarpanch who is inimical towards the petitioner. He further submits that in addition to the present one, all other FIRs had been registered because of the said Sarpanch, as such petitioner should be granted bail.

5. Counsel for the State opposes the bail on the ground of massive number of pending cases and the petitioner has history for last 21 years dealing with illicit liquor. State counsel further submits that there are massive number of incidents where innocent people have died by drinking spurious liquor and petitioner should not be granted bail.

6. Perusal of the history reveals that all such cases are under Excise Act. Regarding the allegations that all these cases were registered at the instance of Panchayat Sarpanch it is highly improbable that the said Sarpanch is filing cases against the petitioner for last 20 years and petitioner has not even filed any complaint. Needless to say that Sarpanches are elected by the people by casting votes and petitioner had ample opportunity to lodge her complaint against the Sarpanch for false implications not only to the authorities but she could also have brought to the notice of the people, which she did not do. It is common knowledge that spurious liquor can cause devastating trauma and huge tragedy and affect the poor people who go for a cheaper alternative of liquor and usually instead of ethyl alcohol such liquor contains methyl alcohol which is lethal in nature. That is why the liquor is manufactured and marketed as per food quality standards but once people like petitioner start dealing at their own level, it can create havoc in the society. Therefore the petitioner is not entitled to anticipatory bail.

7. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner, and thus, the petitioner fails to make out a case for anticipatory bail.

8. In the background of the allegations and massive criminal history mentioned above coupled with the facts and circumstances peculiar to this case, the petitioner fails to make a case for anticipatory bail.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

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Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

30.05.2024
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	Yes