



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103

CRM-M-3411-2025

DATE OF DECISION: 22.01.2025

AMAN KUMAR

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. M.K. Sharma, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 482 of B.N.S.S. for grant of anticipatory bail to the petitioner in case FIR No. 0001, dated 02.01.2025, under section 61-1-14 Punjab Excise Act 1914 registered at Police Station Sadar Hoshiarpur, District Hoshiarpur directing the SHO/Investigating officer to release the petitioner on bail in the event of his arrest by the arresting officer in the interest of Justice.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘SHO PS Sadar, Jai Hind I ASI alongwith Rashwinder Pal Singh no. 747/HOR, ASI Gurdial Singh no. 906/HPR, PHG Santokh Singh no. 25719 were on patrolling on their private vehicle in search of bad elements and were present at Adda Bajwara, where one secret informer gave information that Aman Kumar @Monu son of Kewal Krishan r/o Village Jahan Khelan



PS Sadar Hoshiarpur is indulged in the business of selling illicit liquor after taking from outside vendors. Today also he is waiting for the customers after parking activa outside the shop by keeping illicit liquor and outside the shop near khoka a plastic bag of liquor is lying. If the raid is conducted liquor in heavy quantity can be recovered from to him. On which information given by the informer I ASI has informed the fellow employees I ASI alongwith the fellow employees reached at those place which was disclosed by the informer shop of Aman @ Monu adda Jahan Khelan. Where after seeing the arrival of the police party Aman @ Monu left his active colored blue without number and ran away. ASI Gurdial Singh 906/HPR has identify to Aman @ Monu and shouted Monu- Monu. I ASI before conducting the search of Activa of Aman @ Monu and plastic bag which was lying outside the shop near khoka try to join the public witness. But everybody show his inability. I ASI in the presence of fellow employees first searched the Activa of Aman @ Monu then from the dicky of activa 12 bottle of liquor marka Punjab Gold Whisky 750/750 ml each and from the plastic bag which was lying outside the shop 15 bottles of liquor marka Punjab Club Gold Whisly 750/750 ml each and 24 bottles of Marka Santra 750/750 ml each sale in Himachal Pradesh were recovered. Therefore the offence under section 61/1/14 of excise Act is made out.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and nothing has been recovered from the petitioner and the alleged recovered liquor has been planted upon him, and that too is recovered from the diggy of an Activa which is not owned by him and there was no number plate on



the Activa, therefore, it cannot be said that the recovery has been effected from the conscious possession of the petitioner, hence, prayer has been made for pre-arrest bail.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner is a habitual offender as he is involved in two more FIRs details of which is mentioned below :-

FIR	Date	Sections/Act	P.S.
17	27.1.2023	61, 01, 14 of Excise Act	Sadar Hoshiarpur, District Hoshiarpur
103	08.07.2023	61, 01, 14 of Excise Act	Sadar Hoshiarpur, District Hoshiarpur

He would further submit that the alleged Activa was being used by the petitioner and not by any other person as such and from the recovery effected i.e. 12 bottles of Punjab Gold Whisky, 15 bottles of Punjab Club Gold (plastic pack) and 24 bottles mark Santra meant for sale in Himachal Pradesh, it is apprehended that the petitioner was responsible for the same and as such, his custodial interrogation would be necessitated to unearth the truth.

4. **Analysis**

A perusal of the petition as well as considering the assertions made on behalf of the State Counsel it is evident that the petitioner is involved in 2 other FIRs showing him to be involved in similar offences before also, as has been detailed above. The recovery of liquor has been effected from the conscious possession of the



petitioner on the basis of secret information from a vehicle used by the petitioner who has been selling it by wrongful means out of the State i.e. Himachal Pradesh after purchasing it from outer liquor vendor and was waiting for the customers in a parked vehicle in front of a shop. It, however, remains to be probed as to from where such huge quantity of liquor was procured/supplied and that apart, if the petitioner is released, the possibility of investigation will be hampered or coerced at his instance, which cannot be ruled out at this stage.

In view of the above discussion, there is no ground for grant of concession of pre-arrest bail to the petitioner is made out at this stage.

Dismissed.

(SANDEEP MOUDGIL)
JUDGE

22.01.2025
vishal

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>