



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-6194-2025 (O&M)
Date of decision: 03.03.2025

Raju
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gopal Rathi, Advocate
for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory
bail to the petitioner in FIR No.178 dated 05.12.2024 under Section
61/1/14 of the Punjab Excise Act, 1914, registered at Police Station
Makhu, District Ferozepur.

2. On 03.02.2025, the following order was passed:-

“XX XX XX XX
*Learned counsel for the petitioner, inter alia,
contends that FIR (supra) has been registered on the basis
of secret information and 20 litres of lahan and working
still were recovered from the house of the petitioner and he
is alleged to have fled away from the spot. There is nothing
on record to establish the identity of the petitioner and to
prove that he was in conscious and exclusive possession of
illicit liquor. Learned counsel for the petitioner relies upon
a judgment of this Court in Bhupinder Singh Vs. State of*



Punjab, 2018 (4) Law Herald 2834. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is punishable upto 03 years.

Notice of motion for 03.03.2025.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.”



3. Learned State counsel, on instructions from ASI Sukhdev Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 03.02.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).
5. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

03.03.2025
yakub

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