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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.9735 of 2025
Date of decision: 19.02.2025

Chatar Singh ... Petitioner
Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Prateek Pandit, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
170	06.12.2024	Subhanpur, District Kapurthala	61 of the Punjab Excise Act, 1914

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR had been registered on the allegations that on 06.12.2024, a secret information was received that the petitioner was involved in the business of selling illicit countrymade liquor and used to bring the same on lower rates and sell the same at higher rates thereby causing revenue loss to the State Government. It was

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also informed that if raid was conducted at a particular place, huge quantity of liquor could be recovered. Believing the same information to be true, a raiding party was immediately formed. Ruqa was sent for registration of FIR. The police party rushed towards the informed place and recovered 08 plastic cans having 320 bottles of illicit liquor of 750 ML each. The same were taken into custody by the police. The investigation is underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Sessions Judge, Kapurthala vide order dated 24.01.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No recovery is to be effected from him. He is ready to join the investigation. His custodial interrogation is not required. Therefore, it is urged that the petition deserves to be allowed.

4. Ms. Ruchika Sabherwal, Sr. DAG, Punjab has advance notice of the petition and is ready to argue the matter. It is submitted by her that there are serious and specific allegations against the petitioner. He has criminal antecedents since he was involved in nine criminal cases and presently, he is facing trial in three cases under the NDPS Act. He is also a previous convict of the same offence for which he has been booked in this case. His custodial interrogation is required for conducting thorough investigation in the matter and to elicit information as to the source from

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where he used to procure illicit liquor. Hence, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner is alleged to have concealed 2,40,000/- ML of illicit liquor which has been recovered on the basis of a secret information. The allegations against the petitioner are serious in nature. He is a habitual offender. Even now he is facing trial in three cases under the provisions of NDPS Act. For conducting proper investigation in the matter and to unearth the information with regard to the source from where the petitioner had been availing supply of liquor, his custodial interrogation is must. Even otherwise, it is well settled proposition of law that pre arrest bail should be granted in extraordinary and exceptional circumstances and no such circumstance has been made out in this case. Accordingly, the petition is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

19.02.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No