

2025:PHHC:068897



211.

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-18862-2025

Date of decision: 21.05.2025

Ashish

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gagandeep Singh, Advocate, for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 482 of BNSS is for grant of anticipatory bail to the petitioner in case FIR No.0146, dated 04.03.2025, under Section 61 of Punjab Excise Act, 2014 (Section 61(2) of BNS, 2023 added lateron), registered at Thanesar Sadar Police Station, Kurukshetra.

2. Learned counsel for the petitioner has contended that the petitioner is not named in the FIR (Annexure P-1) and no specific role has been assigned to him in the commission of the alleged offence. It is submitted that the only material implicating the petitioner is the disclosure statement allegedly suffered by co-accused, Ashish, which, in the absence of any independent corroboration, cannot be the sole basis for his arrest.

Learned counsel has further relied on the status report (Annexure P-3) and asserted that no incriminating material has been recovered from or is attributable to the petitioner. The recovery of alleged illicit liquor, it is submitted, has already been effected from co-accused, Ashish, and nothing remains to be recovered from the petitioner. Therefore, the custodial interrogation of the petitioner would not be required in the instant case.

3. On being put to notice, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. Learned State counsel, on instructions, has submitted that the petitioner stands specifically named in the disclosure statement of co-accused, Ashish, wherein he has been identified as the key conspirator and mastermind of the operation. It is contended that the petitioner had complete knowledge of both the origin and intended destination of the contraband liquor, and he was instrumental in organising its illicit transportation from the State of Punjab to the State of Bihar. Learned State counsel has further asserted that the petitioner was coordinating the operations through encrypted whatsapp calls and the mobile phone allegedly used for this purpose is yet to be recovered. Additionally, it has been pointed out that the petitioner is a habitual offender and it is a matter of record that he is booked in another criminal case under the Excise Act involving similar allegations.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. This Court is of the prima facie view that the allegations against the petitioner are of a serious and grave nature. The petitioner is alleged to be the principal orchestrator of a cross border smuggling network involving illicit liquor, with operations spanning across States. His involvement, as per learned State counsel, is not peripheral but central, demonstrating an organised and deliberate effort to evade the law.

6. The contention that the petitioner has been implicated solely on the basis of a disclosure statement of a co-accused, though relevant, loses significance in the face of the other incriminating material collected by the Investigating Agency hinting towards his active involvement, including the recovery yet to be effected of the mobile handset allegedly used to communicate with co-accused via encrypted platforms. The apprehension of tampering with evidence or evading investigation cannot, in the present context, be ruled out.

7. Moreover, the involvement of the petitioner in a previous case under the Excise Act, wherein he has already been granted bail, lends weight to the claim made by the learned State counsel that the petitioner is not a first time offender and is a habitual offender involved in similar illicit activities.

8. In the light of the totality of circumstances, the gravity of the offence, and the alleged role of the petitioner as the mastermind, and the pendency of crucial recovery, this Court does not deem it fit to extend the extraordinary concession of bail to the petitioner.

9. Present petition stands dismissed accordingly.
10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 21, 2025
sanjeev

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