



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22055-2025
DECIDED ON: 28.04.2025

SAMEEN KHAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS for the grant of anticipatory bail to the petitioner, in case FIR No. 59 (Annexure P-1) dated 11.03.2025 under Section 318(4), 338, 336(3), 340, 410, 61 of The Bharatiya Nyaya Sanhita (BNS) 2023 and Section 61(A)-4-20 of Excise Act 1914 registered at Police Station Sadar Tauru, District Nuh.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

To the SHO of Police Station Sadar Tauru, Jai Hind. Today, I HC along with constable Anshu 794/Nuh, constable Dharmender 605/ Nuh and constable Bhupender 561/ Nuh in government vehicle ISUZU JO HR-05-GV-3016 driven by EHC Abhimanyu 459/ were present at Pataudi Chowk Tauru crime patrolling duty. In the meanwhile, the secret informer gave secret information that Kasim son of Rahil

resident of Pipaka police station Sadar Tauru District Nuh, Umardin son of Alisher resident of Pipaka police station Sadar Tauru District Nuh and Shokat @ Akku son of Akhtar resident of Pipaka police station Sadar Tauru District Nuh along with their other associates are involved in illegal liquor trade. Today also, a truck no HR 38 AH 4094 closed body container, whose size has been changed and cabin is filled with illegal liquor and fake ticket has been prepared with which the illegal liquor will be taken to Mumbai via Gujarat via Sohna-Tauru-Bhiwari. If a blockade is done near Shikarpur Mode Tauru-Sohna Road, then the illegal liquor can be seized. On which. the HC informed the fellow employees about information and started a blockade on near Shikarpur Mode Tauru-Sohna Road. The passersby were told to join nakabandi, but all of them left the spot after declaring their legitimate wages. In a short while, a truck container no. HR 38 AH4094 was seen coming from Sohna side, which was signaled to stop by me, but the driver on seeing the police party started turning the container back, but the same was caught by me with the help of fellow officers and when asked his address, he told his name as Shokat @ Akku son of Akhtar resident of Pipaka Police Station Sadar Tauru District Nuh. On searching the cabin of the vehicle, the liquor boxes were found inside. But on asking license and permit, no documents were produced. When all the crates were taken down and checked, then total 35 boxes of English liquor i.e. seven boxes of Blenders pride, five boxes of Signature, two boxes of Smirnoff Vodka, two boxes of Black Bacardi, four boxes of Absolute Vodka, four boxes of Red Label, seven boxes of Magic Moment, two boxes of Magic Moment quarter, two boxes of All Seasons Quarter of BLENDERS OF LIQUOR? 5 boxes of SIGNATURE, 2 boxes of SMIRNOFF VODKA, 2 boxes of BLACK HACARDY, 4 boxes of ABSOLUTE VODKA, 4 boxes of KED LABEL, 7 boxes of MAGIC MOMENT, 2 boxes of MAGIC MOMENT QUARTER, 2 boxes of ALL SEASONS QUARTER were recovered. On reaching at spot, the Income Inspector was informed and the

above driver Shaukat alias Akku was asked to open the body seal of closed container and on checking, the plastic chair cartons were found. All the boxes were found closed with plastic tape. From each box, one bottle each was taken out separately and all the boxes were stamped with SK/I stamp and given to constable Dharmender 605/Nuh. The recover memo was separately prepared. The truck driver Shaukat alias Akku in preliminary interrogation told that I along with my companions Kasim son of Rahil resident of Pipaka police station Sadar Tauru District Nuh, Umardin son of Alisher resident of Pipaka police station Sadar Tauru District Nuh had filled the recovered illegal English liquor from near light of sector 56, Gurugram and Kasim and Umardin had prepared a fake bill for me. I along with my above companions Kasim and Umardin was taking it to Gujarat via Sohna-Tauru-Bhiwari. My above companions Kasim and Umardin asked me to meet at Tauru Dhidara bypass and asked me to go with them. The above Kasim and Umardin can tell that where this illegal liquor was to be supplied and from where the fake invoice was prepared and at the same time, Shaukat alias Akku presented total 03 pages of fake bill, photocopy of RC of truck HR 38 AH 4094 and a photocopy of DL No. MH2320120010263 which is in the name of Kasim son of Rahil. The recovered 35 boxes of illegal English liquor, truck HR-38-AH-4094 with plastic chairs along with documents have been taken into police custody as evidence. The accused and the witnesses signed on a separate report. The audio-video recording of the scene of the incident was done by constable Bhupender 561/nuh from the personal phone. The above truck driver Shaukat alias Akku along with his companions Kasim and Umardin had kept illegal English liquor in their possession without license and permit and had kept fake bills in their possession or had changed the shape of the container and filled it with illegal English liquor under the guise of bill-invoice and had committed the crime under sections 318(4), 338, 336(3), 340, 61 of BNS and section 61(A) -4-20 of Excise ACT. On finding this, a written

complaint is being sent for investigation to the police station Sadar Tauru under the supervision of constable Anshu 794/. Thereafter, it should be informed through FIR number and the next investigator should be sent to the spot for investigation. I HC present at the spot along with my fellow employees.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the alleged contraband i.e. 35 boxes containing 420 bottles of illicit English liquor, was recovered from co-accused Shokat @ Akku, who in his disclosure statement, named two other co-accused persons namely Umardin and Kasim and subsequently, co-accused Kasim, in his own disclosure statement, implicated the petitioner as an accused in the present FIR. He further contends that no material evidence has been putforth by the prosecution to connect the petitioner with the alleged commissioning of the offence.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Chetan Sharma, DAG, Haryana accepts notice on behalf of the respondent-State, who submits that as per the disclosure statement of co-accused Kasim, the consignment was being transported to the delivery location under the petitioner's instructions, and the forged *bilty* was also provided by him. He further submits that custodial interrogation of the petitioner is necessary at this stage to ascertain the places from where the liquor was brought and where the liquor was to be supplied by the petitioner.

4. Heard learned counsel for the parties at length and meticulously gone through the record in hand.

5. **Analysis and Conclusion**

Be that as it may, after considering the submissions made above and upon perusal of the averments in the petition and the fact that the forged *bilty* was prepared and the consignment was being transported to the place of delivery under the instructions of the present petitioner, this Court is of the considered view that custodial interrogation of the petitioner is necessary to ascertain the sources from which the liquor was procured and the locations where it was intended to be supplied by the petitioner.

Moreover, it is settled proposition of law that power exercisable under Section 482 BNSS, is somewhat extraordinary in character and it is to be exercised in exceptional cases. In State of ***Andhra Pradesh vs. Vimal Krishna Kundu, AIR 1997 SC 3589***, Apex Court has held that in case of well orchestrated conspiracy, if the accused is equipped with anticipatory bail order before interrogated by police, would greatly harm the investigation and would impede the prospects of unearthing all the ramification involved in the conspiracy. Similarly, in ***Ram Govind Upadhyay versus Sudarshan Singh, (2002) 3 SCC 598***, it has been observed as under:

“3. Grant of bail though being a discretionary order — but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail

and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.”

6. Hence, in the light of above stated facts and circumstances, this petition is sans merit and is hereby dismissed.

7. However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

28.04.2025

Poonam Negi

**(SANDEEP MOUDGIL)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*