



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25663-2025
DECIDED ON: 12.05.2025

BALWINDER SINGH @ BINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Jastej Singh, Addl. A.G., Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of Anticipatory Bail to the petitioner in case FIR No.068 dated 16.04.2025 (Annexure P-1) under section 61 of Punjab Excise Act 1914, registered at Police Station Sadar Bathinda, District Bathinda, Punjab.

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

“Station House Officer, Police station Sadar Bathinda, Jai Hind, today ASI along with SCT Joginder Singh 2038, LCT Khuspreet Kaur 568, PHG Balwinder Singh 10294, on a private Vehicle car in lieu of search and checking of suspected persons were present at bus station Bir Talab when a secret informer come and gave information to SCT Joginder Singh 2038 that Balwinder Singh alias Binder Singhson of Makhan Singh and Balwinder Singh alias Billuson of Waryam Singh,

Resident of Basti No.2, Bir Talab are habitual of distilling a illicit liquor at their house and also keeping Lahan them, if the raid be conducted immediately at their house then they can apprehended along with heavy quantity of Lahan and illicit liquor can be recovered from them, information is reliable and trustworthy the offence under Sections 61,1,14 Excise Act is made against Balwinder Singh @ Binder and Balwinder Singh @ Billu for kept Lahan and illicit liquor at their home and Ruga has been sent to PHG Balwinder Singh 10294 at police station and case be registered against Balwinder Singh @ Binder and Balwinder Singh @ Billu and after registration of the case number be sent and DCR Bathinda be informed and I ASI along with other police officials reached at the Bus Stand Bir Talab at 1:30 PM. Sd/- Randhir Singh ASI police station Sadar Bathinda dated 16.04.2025.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case whereas the petitioner has not committed any alleged offence in any manner and nothing has been recovered from the petitioner and the local police is trying to implicate the petitioner in some false case at the instance of local liquor contractor. He submits that as per the allegations, 400 litres Lahan and 40 litres of illicit liquor have been recovered.

Notice of motion.

On behalf of the State

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail to the petitioner on the ground that the present case has been registered on

the basis of secret information, the raid was carried out and illicit liquor was recovered. He further submits that custodial interrogation of the petitioner is required to unearth the dimensions of the trade & also wanted to recover distillation equipment & other material, if any. He asserts that the petitioner does not deserve the concession of pre-arrest bail, as he is involved in two other cases also, out of which one case was under the Excise Act, meaning thereby, he is not a person of clean antecedents. Hence, anticipatory bail should not be granted to him.

4. **Analysis and conclusion**

The allegation against the petitioner is serious in nature. A huge quantity of illicit liquor i.e. 400 litres Lahan and 40 litres illicit liquor has been recovered in the present case which by no stretch of imagination can be a planted recovery as the petitioner has failed to provide a convincing explanation as to why the State would entangle him in a false case. The menace of distilling of illicit liquor is a serious problem in Punjab. The mere fact that the petitioner was not apprehended from the spot would not vest a right in him for the grant of anticipatory bail. Confiscation of a “huge quantity” of illicit liquor, is certainly a relevant ground for denial of anticipatory bail to an accused.

Moreover, the antecedents of the petitioner are also not good, as he is already involved in three more cases, out of which one case is of similar nature. The Apex Court in case **“Gudikanti Narasimhulu vs. Public Prosecutor, High Court of A.P.”; (1978) 1 SCC 240**, has already observed that deprivation of freedom by refusal of bail is not for punitive purposes but for the bifocal interests of justice. It has further been observed that it is rational to enquire into the antecedents of the man who is applying for bail

to find out whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail.

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 of BNSS is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Supreme Court in “State vs. Anil Sharma”; (1997) 7 SCC 187, held as under:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favourable order under Section 438 of the code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also material which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods needs not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

5. Keeping in view the afore-said facts and circumstances and nature of averments, the petitioner does not deserve the concession of anticipatory bail. Hence, the present petition is hereby, dismissed.

(SANDEEP MOUDGIL)
JUDGE

12.05.2025
anuradha(a)

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