

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

2025:PHHC:106635



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CRM-M-31299-2025 (O&M)

Date of Decision: 18.08.2025.

Vishnu Kumar

...Petitioner.

Versus

State of Haryana

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Tanvir S. Grewal, Advocate for the petitioner.

Mr. Pawan Kumar Garg, DAG, Haryana.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.49 dated 21.03.2025, under Sections 318(4), 336(3), 338, 340 and 61 of BNS and Sections 61(1)(c), 72-A and 63-A of the Punjab Excise Act, 1914, registered at Police Station City Nathu Sarai Chopta, District Sirsa.

As per prosecution case, after receiving information Inspector Surender Kataria along with the police party conducted raid on the Nohra of one Anup. During raid, Bansi Lal, Vikas, Anup, Arun and Ram Shankar were found loading liquor of different brands in canters No.HR-57A-5686, HR-57A-9808 and HR-67-C-8349 and they could not produce pass, permit or licence for the same. A huge quantity of illegal liquor and beer cans along with, lids, fake holograms, labels and other articles were recovered. These accused were found to have kept fake/ illegal liquor making equipment and illegal liquor and fake holograms, labels for using it as original.

Learned counsel for the petitioner contended that the petitioner was not found present at the spot and no recovery has been effected from him. The petitioner has been falsely implicated in the present case only on the basis of disclosure statement of co-accused, which is not admissible in law. He prayed that custodial interrogation of the petitioner is not required and he is ready and willing to join the investigation and the present petition be allowed.

Notice was issued in this case on 02.06.2025 and status report was called from the State, which was filed on 02.07.2025 in the Court and the same is taken on record.

Learned State counsel opposed the petition and submitted that the petitioner along with other co-accused actively participated in making the plan to purchase cheap liquor from the State of Punjab and after preparing fake liquor in their house they used to sell the same in the State of Gujarat and as such he is not entitled to the concession of anticipatory bail.

Heard.

Though, the petitioner was named in the secret information but he was not found present at the spot when the raid was conducted. He was not amongst those five persons, who were apprehended at the spot while found loading different brands of liquor and beer in Nohra (a storage shed) of Anup son of Krishan Kumar. The name of the petitioner has surfaced in the present FIR only on the basis of disclosure statement of co-accused, who stated that along with co-accused he had been indulging in the planning to purchase cheap liquor from the State of Punjab and after preparing fake liquor in the Nohra, they used to sell the same further in the State of Gujarat. Recovery in this case had already been effected and now nothing is to be

recovered from the petitioner. Co-accused Gopi Ram has already been granted concession of anticipatory bail by this Court vide order dated 27.05.2025 in CRM-M-26987-2025. As custodial interrogation of the petitioner is not required for any purpose, so no useful purpose would be served by sending the petitioner behind the bars.

Accordingly, without commenting on the merits of the case, the present petition is allowed. In the event of his arrest, the petitioner is ordered to be released on bail, on his furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/ Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of the BNSS.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail application.

(SUKHVINDER KAUR)
JUDGE

18.08.2025.

Komal

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