

2025.PHHC.117218



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

**CRM-M-45146-2025
DECIDED ON: 22.08.2025**

JAGDISH @ MODI AND ORS

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ketan Chopra, Advocate
for the petitioners.

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 BNSS for grant of anticipatory bail in FIR No. 45 dated 14.05.2025 under Sections 61 of the Punjab Excise Act, 1914 and Section 62, 123 BNS registered at P.S. Bilga, District Jalandhar.

2. The contents of the FIR reads as under:-

Respected Station House Officer, Police Station Bilga "Jai Hind" Today, 1 ASI along with SCT Sukhvir Singh No. 1507/Jal, LCT Jaswinder Kaur No. 1759/Jalandhar, LPHG Sunita Rani No. 28000, while riding in a private vehicle for the purpose of area patrolling and checking regarding prevention of bad incidents and illegal liquor, were going towards Dhan Dariya Satluj village Sangowal, etc. When the police party, while patrolling, reached near village Sangowal bund (embankment) river Satluj near Bangu's Dera land,

then on the bank of the bund river, in the ground, by fixing four wooden sticks and tying tarpaulins with them, there were tarpaulins tied. All those four tarpaulins were checked, from which lahan prepared with poisonous/unhealthy substances was recovered. On the spot, Excise Inspector Sh. Harjinder Singh, Circle Phillaur, was called through mobile phone to come to the spot. When he reached the spot, in his presence those tarpaulins were taken out with the help of labour to the bank of bund river Satluj. The recovered substance after making suitable arrangements for measuring the lahan found in those four tarpaulins was measured, and on measuring, the lahan in each poisonous/unhealthy-substance-prepared tarpaulin was found to be 2000 litres, total 8000 litres recovered. The recovered lahan was checked by Excise Inspector Sh. Harjinder Singh, Circle Phillaur, and thereafter all four tarpaulins containing poisonous/unhealthy-substance-prepared lahan were destroyed on the spot. Regarding the said lahan, a separate test report was prepared by Excise Inspector Sh. Harjinder Singh, Circle Phillaur, and handed over to me, ASI. The pieces of cloth smeared with lahan from those four tarpaulins were taken into police possession through a separate recovery memo as proof. On this memo, the witnesses' signatures were obtained. Regarding the recovered lahan, through special informer and secret information it came to be known that the poisonous/unhealthy-substance-prepared lahan in those four tarpaulins was being prepared by Kuldeep Singh s/o Joginder Singh, Mahinder Singh s/o Singara Singh, Modi s/o Pala Singh, and Ladi s/o Resham Singh, residents of village Sangowal, Police Station Bilga, District Jalandhar. Since Kuldeep Singh, Mahinder Singh, Modi, and Ladi collectively by placing 8000 litres of poisonous/unhealthy-substance-prepared lahan committed the offence under Section 61-1-14 Excise Act and Sections 123, 62 BNS, therefore this report is written and for registering the case it is sent through LPHG Sunita Rani No. 28000 to the police station. The case be registered and number of case be informed. Special reports

be issued and sent in the service of Hon'ble Area Magistrate and senior officers above, and information be given to the control room. I, ASI along with companion staff, reached the place at village Manjes at 06:40 PM, LAT-30.9859871, LONG-75.6595589, SD/ASI Katavisma, District Jalandhar (Rural), dated 14-05-2025. Today, upon receipt of the above-written at the police station, this case under the above-mentioned Act and Sections is registered and original writing with copy of FIR is being sent through LPHG Arinda to the concerned ASI for investigation at the spot. Special reports are being issued through SCT Davinder Pal No. 1360/Jalandhar in service of the Hon'ble Area Magistrate and senior officers above. Information is being given to control room and to the SHO.

3. It has been contended on behalf of learned counsel for the petitioners that they have been falsely implicated in the present case due to their previous history of similar criminal antecedents and they were not present at the spot and were named merely on disclosure statement.

4. Notice of motion.

5. Mr. J.S. Rattu, DAG, Punjab, appearing on advance notice accepts the same on behalf of respondent-State of Punjab. He vehemently opposes the prayer made in the present petition stating that the present case has been registered on the basis of secret information, the raid was carried out and illicit liquor was recovered. He asserts that the petitioners do not deserve the concession of pre-arrest bail, as petitioner no. 1 and 2 are involved in other cases under the Excise Act, meaning thereby, they are not persons of clean antecedents.

6. Mr. Rattu, contends that custodial interrogation of the petitioners is required to unearth the dimensions of the trade & also wants to recover

distillation equipment & other material, if any. Hence, anticipatory bail be not granted to them.

7. Heard learned counsel for the respective parties.

8. In case of criminal investigation, the normal procedure prescribed for curtailing the right to life & liberty, is that the investigating officer can arrest the accused even without warrant. The court has extraordinary power to protect an innocent person. However, this power has to be exercised by the courts with due circumspection.

9. The allegation against the petitioners are serious in nature. A huge quantity of illicit liquor to the tune of 8000 Litres has been recovered from the spot. The menace of distilling of illicit liquor is a serious problem in Punjab especially in view of the recent deaths taken place due to its consumption. The mere fact that the petitioners were not apprehended from the spot would not vest a right in them 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 the accused persons. Courts have repeatedly recognized that offences relating to illicit liquor must be dealt with an iron hand, as allowing such practices to proliferate would only embolden offenders and put at risk the most vulnerable sections of society. The recurring seizures of large consignments of illicit liquor, as reflected in the present case, further highlight the urgent necessity for uncompromising legal action, including refusal of anticipatory bail where substantial recoveries are made and the facts suggest active participation in such illegal trade.

10. Moreover, the antecedents of the petitioner no. 1 and 2 are also not good, as they are already involved in other cases of similar nature, thus, this

Court is not inclined to let the petitioners out on anticipatory bail. 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.

11. More so, investigation is still going on in the present case. 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. 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 ensconced 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.”

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

22.08.2025
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>