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

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CRM-M-46988-2025
Date of decision: 19.12.2025

Akhlesh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. A.S. Manaise, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

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AARADHNA SAWHNEY, J.(ORAL)

1. Petitioner, an accused in case bearing FIR No.187 dated 28.10.2020 registered against him at Police Station Shahpur Kandi, District Pathankot, for the commission of offences punishable u/s 420, 467, 468, 471, 120-B of IPC and Section 65 of Punjab Excise Act, has prayed for grant of pre-arrest bail.

2. Relevant facts as emerging from status report dated 13.10.2025 be noticed hereinbelow:-

> *That M/S Pioneer Industries Pvt Ltd, a D2 license holder, is engaged in production of Extra Neutral Alcohol/Rectified Spirit/Denatured Spirit/Indian Made Foreign Liquor Punjab Medium Liquor hereinafter referred to as ENA/RS/DS/ IMFLPML The ENA produced by the unit is either consumed for of IMFL/PML or is sold to other license holder, both within and outside Punjab. The unit receives permit for the transfer of ENA to licensees situated outside Punjab. This is the permission received from the importing state to transfer of ENA from Punjab to that particular State. Against the permit a pass is granted by the Excise authorities of the unit under the Punjab*

Liquor Permit and Pass Rules, 1932. This pass contains the entire record of the transaction and authorizes the transport of intoxicant. As per the Punjab Liquor Permit and Pass Rules, 1932 the unit has to provide the Excise Verification Certificates, certifying that the intoxicant has reached the destination as per the documents. These EVCs are certified by the Excise officials of the receiving State. A sudden increase in the issue of import permit by the Assam Excise Department drew the attention of the excise officials of the State. In order to verify the genuineness of the excise permits, an email was sent to the Addl. Excise Commissioner, Assam on 22nd October, 2020. Letter was received from Sh. Sanjeev Kr. Medhi, Addl. Commissioner of Excise Assam stating that the Permits for allotment of ENA were not issued from this office. The list of impugned permits was also attached along with. It was also communicated that the license of Sh. Rajib Konwar was issued for a period of 12-06-2013 to 11-06-2016 and hence invalid.

Based on the information received from the Govt. of Assam, Investigating Agencies concluded that M/s Pioneer Industries Pvt. Ltd. had tendered false documents to Excise authorities and have thus committed fraud with State Government. Accordingly, a formal case vide FIR No. 187 dated 28.10.2020 u/s 420, 467, 468, 471, 120-B of IPC and Section 65 of Punjab Excise Act was registered against the petitioner.

3. Apprehending his arrest, petitioner-Akhlesh, son of Jamuna Prasad, resident of H.No.155, Dhamora, PO Dhamora, Milak District Rampur, Uttar Pradesh, moved an application for grant of anticipatory bail before the learned Sessions Judge, Pathankot, which was dismissed vide order dated 17.07.2025. Aggrieved of the same, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner, a

labourer, has been falsely implicated in the present case, only on the basis of disclosure statement of co-accused Rajib Konwar, who alleged that in 2020, he (Rajib Konwar), in collaboration with the present petitioner prepared fake stamps and permits to transport ENA from M/s Pioneer Industries, Pathankot, which was later sold in connivance with the other accused. It is further the submission of learned counsel that as of now there is no direct incriminating material against petitioner. In the light of the said fact as also that similarly situated accused namely Rajib Konwar has been granted the concession of bail by this Court, it has been prayed to take lenient view in favour of petitioner, whose custodial interrogation is not needed as nothing is to be recovered from him. Nonetheless, being a law-abiding citizen, petitioner is willing to join the investigation as and when called for by the IO. Primarily on these grounds, it was prayed that concession of pre-arrest bail be granted to the petitioner.

5. *Per contra*, while opposing the request for grant of anticipatory bail, learned State counsel has drawn the attention of the Court to the status report dated 13.10.2025 filed by way of an affidavit of Mr. Lakhwinder Singh, PPS, Deputy Superintendent of Police, Pathankot. <u>In para 7 thereof, the role of petitioner has been highlighted</u>. According to investigating agencies, <u>petitioner prepared 31 fake permits by forging signatures of Excise Commissioner, Guwahati and thus illegally received ENA (Extra Neutral Alcohol) from Pioneer Industry Ranipur on different dates</u>. The names of the other accused who also played constructive role in the entire incident have also been highlighted. It is further the submission of learned State counsel that custodial interrogation of petitioner is needed to throw light on the intricacies of the case etc.

Towards the end, learned State counsel contends that in view of the role played by the petitioner (whose past antecedents are also questionable, being involved in another criminal case bearing FIR No.119 dated 13.06.2020 u/s 420, 467, 468 IPC and Section 63, 72, 60(1) of Excise Act, P.S. Shehjadnagar, District Rampur, Uttar Pradesh), he has failed to make out a case of exceptional depravity/hardship in his favour for grant of pre-arrest bail. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and gone through the documents on record.

7. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner and learned State counsel, it would be appropriate to refer to certain relevant judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**, has observed as under:-

> *"67.* Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of *the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application* of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy."

Hon'ble the Supreme Court while deciding the case titled as **"Ms. X Vs. The State of Maharashtra and another", (2023 SCC Online SC 279)** held as under:-

> "11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.
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> *12. In **Prasanta Kumar Sarkar's case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-*
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> *"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:*
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> *(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
> *(ii) nature and gravity of the accusation;*
> *(iii)severity of the punishment in the event of conviction;*
> *(iv)danger of the accused absconding or fleeing, if released on bail;*
> *(v) character, behaviour, means, position and standing of the accused;*
> *(vi) likelihood of the offence being repeated;*
> *(vii) reasonable apprehension of the witnesses being influenced; and*
> *(viii) danger, of course, of justice being thwarted by grant of bail."*

In ***Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another, 2025 AIR SC 3375***, the Hon'ble Supreme Court held that *"Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner."*

8. Factual aspects leading to the lodging of the FIR have already been noted in para 2 of the order. M/s Pioneer Industries, a license holder engaged in production of ENA receives permit for transport/transfer of ENA to licensees outside Punjab. Against the permit, a pass is granted by the Excise authorities to the unit, under the Punjab Liquor Permit and Pass Rules, 1932. According to these rules, the manufacturing unit has to provide Excise Verification Certificates, certifying therein that the intoxicant has reached the destination. Verification Certificates are also certified by the Excise officials of the receiving State. Excise Department of Punjab suddenly noticed increase in the issue of import permit by the Assam Excise Department, which caught their attention. So as to verify the genuineness of permits, a letter was written to Additional Excise Commissioner, Assam in 2020, who replied clarifying therein that the permits for allotment of ENA had not been issued by his office. The first to be arrested in the series of arrest was <u>Rajib Konwar, who highlighted the role of the petitioner as being the person who prepared fake permits by forging signatures of Excise Commissioner</u>, Guwahati. Based on these fake permits, Extra Neutral Alcohol was received from M/s Pioneer Industries on different dates. As has been rightly submitted by learned State counsel in view of the role played by petitioner, he has failed to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail. Before parting with this order, it also would be appropriate to

point out that co-accused Rajib Konwar was not granted the concession of pre-arrest bail. It was only after he had been in custody for about 05 months, that the Coordinate Bench of this Court vide order dated 06.02.2024 (CRM-M-59007-2023) had granted the concession of bail under Section 483 BNSS. Agreeing with the submissions advanced by learned State counsel, this Court is of the opinion that the presence of the petitioner is needed to throw light on the intricacies of the case etc., thus, he has not been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail.

9. The petition being devoid of merit, is hereby dismissed.

(AARADHNA SAWHNEY)
JUDGE

19.12.2025
Hemant

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