

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

208

CRM-M-52190-2025

Date of decision: 2nd December, 2025

Manjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

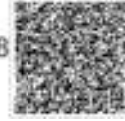
Present: Mr. Rahul Arora, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 134 dated 29.08.2025 registered under Section 61 of Excise Act, 1914 at Police Station Makhu, District Ferozepur.

2. The aforementioned FIR has been registered on the allegations that on 29.08.2025, on the basis of a secret information to the effect that one Dara Singh S/o Nand Singh, resident of Manjhwala, was engaged in the business of manufacturing of illicit liquor/*lahan* and sale of the same, a raiding party was formed which reached at the informed place. The person who was present there had managed to escape from the spot. On checking, 500 liters of *lahan* was recovered from the spot. By alleging that the accused had kept concealed the illicit liquor, action was sought to be taken. After registration of FIR, investigation proceedings are initiated and are underway.



Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Ferozepur, which was dismissed vide order dated 10.09.2025.

3. It is argued by learned counsel for the petitioner that he was not named in the FIR and the name of one Dara Singh has been mentioned. He was not apprehended from the spot. He has been implicated only because of the fact that he already stands convicted for commission of a similar offence. The house from where the recovery is effected is not owned by the petitioner. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. The subject offences are triable by Magistrate. It is, therefore, urged that he deserves to be released on pre-arrest bail.

4. *Per contra*, it is argued by learned State counsel that there are serious allegations against the petitioner. He is a previous convict and habitual offender in the similar case. His custodial interrogation is required for conducting proper investigation of the matter by the police. No extraordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner is alleged to have kept 500 liters of liquor in his house. However, the plea that the house in question did not belong to him has not been specifically controverted in the status report. His name was mentioned as Dara Singh in the FIR and the respondent-State has not been



able to justify at this stage, as to how, his correct name has not been mentioned. The recovery already stands effected from the spot. Considering the nature of the allegations and in the circumstances peculiar to this case, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required. It is also well settled that pre-trial incarceration should not be a replica of post-conviction. As such, the petition is allowed and the petitioner is ordered to be admitted to be bail. The petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within ten days and subsequent also as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS join investigation.

7. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

2nd December, 2025
Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No