

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:048517



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CRM-M-16949-2026 (O&M)
Date of decision:27.03.2026

Ashok Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pushpinder Kaushal, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. 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 arising out of FIR No.65, dated 01.03.2026, registered under Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), at Police Station Murthal, District Sonipat.

2. As per the allegations, on 01.03.2026, a secret information was received by Head Constable Sandeep, who was performing patrolling duty that a vehicle bearing registration No.DL-7CT-9070, Mahindra XUV 700 make was standing at G.T. Road Panipat – Delhi, at Murthal fly-over

after meeting with some accident and illicit liquor/beer was kept in the same. On hearing so, the aforementioned Head Constable along with some police officials reached at the informed place and found the aforementioned vehicle lying there. It had met with some accident. On checking the same, 53 boxes of beer canes marked Kingfisher Ultra Lager Beer, containing a total 1272 canes of beer, meant for sale in U.T., Chandigarh , were found kept in the same. There was none in the vehicle and no documents were also found kept therein. The vehicle as well as the beer was taken into custody by the police.

3. After registration of the FIR, investigation proceedings have been initiated. During investigation, it was revealed that the vehicle was owned by the present petitioner, who was nominated as accused. Apprehending his arrest, he moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Sessions Judge, Sonapat vide order dated 13.03.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case only due to being owner of the vehicle in question. The recovery already stands effected. He was neither present at the spot nor was driving the vehicle. He has no concern with the alleged recovery of beer. He is ready to join the investigation. His custodial interrogation is not required. It is, therefore, argued that he deserves to be extended the benefit of pre-arrest bail.

5. Notice of motion.

6. Learned State counsel has advance notice of the petition and is ready to argue the matter. It is submitted by him that the petitioner is

the registered owner of the vehicle from which recovery of 1272 canes of beer kept in an illegal manner had been found. For the purpose of conducting a thorough and proper investigation into the matter, his custodial interrogation is required. There is no extraordinary or exceptional circumstance to exercise powers for grant of pre-arrest bail is made out. It is, therefore, stressed that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties.

8. The petitioner was admittedly registered owner of the vehicle in which 53 boxes of beer were found kept in an illegal manner. For the purpose of eliciting information as to the source of the recovered beer, the fact as to who else was involved in the occurrence as well as for the purpose of conducting deeper and thorough probe, custodial interrogation of the petitioner is must. It is well settled proposition of law that powers for grant of anticipatory bail should be exercised in exceptional and extraordinary circumstances and not in routine manner. No such circumstance, however, has been made out in this case. If the petitioner is given the shield of anticipatory bail that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation. The Court is also required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Accordingly, finding no compelling ground to allow the petition, the same is dismissed.

9. It is, however, clarified that observations made hereinabove

shall not be construed as an expression of opinion on the merits of the case.

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

27.03.2026

harjeet

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

(MANISHA BATRA)
JUDGE