

2025:PHHC:069558



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

SR. NO.108

CRM-M-28629-2025

DATE OF DECISION:22.05.2025

ASHOK SINGH @ ASHOK KUMAR @ ASHOKI

...PETITIONER(S)

VERSUS

STATE OF PUNJAB

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Rhythem Bajaj, Advocate,
for the petitioner.

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 482 of BNS with a prayer to grant the concession of pre-arrest bail to the petitioner in FIR No.33 dated 29.03.2025 registered under Section 61 of the Excise Act, 1914 at Police Station Bahav Wala, District Fazilka.

2. The FIR in the present case was registered on the basis of a statement made by Lekh Raj, ASI and the same has been reproduced below:-

“Station Incharge, Police Station Bahawala, Jai Hind. Today I ASI along with HC Jagmit Singh 1143/FZK, SC Dilraj Singh 851/FZK, PHG Jasvir Singh 7174 in a private car along with Laptop, Printer was present at Bus Stop of Village Kandhwala, Amarkot for patrolling and in search of suspected persons. Then a secret informer came to me and informed that Ashok Kumar alias Ashoi son of Dulla Ram resident of Village Kandhwala, Amarkot has built a pucca Pit (Pakki Diggi) in his house and after putting Lahan in it and is extracting illicit liquor after installing furnace in his house. If an immediate raid is conducted then he can be apprehended along with huge quantity of Lahan and illicit liquor and active furnace. As the information was reliable and trustworthy so the said act of

Ashok Kumar alias Ashoki fulfills the ingredients of commission of offence under Section 61/1/14 of Excise Act. Upon this, a rukka against accused Ashok Kumar alias Ashoki son of Dulla Ram resident of Village Kandhwala, Amarkot is written and same is sent to the Police Station through PHG Jasvir Singh 7174 for registration of case. After registration of case its number should be informed. PCR Fazilka should be informed. I along with fellow employees is moving towards the place disclosed by the informer for conducting raid. Sd/- Lekh Raj, ASI, Police Station Bahawala....”

3. Learned counsel for the petitioner contends that it has been shown that the FIR in the present case was registered on the basis of a secret information received by the police. However, the petitioner has been falsely involved due to a political rivalry in the village. Even no such alleged raid was conducted at the house of the petitioner nor any recovery was effected from him. Further, the police even did not even bother to join any independent witness in the present case.

4. On an advance notice, Mr. I.P.S. Sabharwal, DAG, Punjab, learned State counsel has put in appearance on behalf of the respondent-State and submitted that the petitioner is a habitual offender and the following three cases were ordered to be registered against him in the past as well:-

- (i) FIR No.82 dated 01.07.2019 under Section 22/61/85 of the NDPS Act P.S. Bahawala;
- (ii) FIR No.98 dated 30.06.2020 under Sections 61/1/14 of the Excise Act P.S. Khuyan Sarwar; and
- (iii) FIR No.90 dated 21.06.2020 under Sections 61/1/14 of the Excise Act P.S. Khuyan Sarwar.

5. Learned State counsel next submits that 60 litres of illicit liquor and 200 litres of lahan were recovered from the house of the petitioner. He next submits that when the raid was conducted, the petitioner managed to

escape from his house, however, huge quantity of liquor/lahan along with utensils, which were being used for making illicit liquor, were recovered from the house, which belongs to the petitioner. Further, the petitioner is not a political worker and there is no question of false implication by the police in the present case. Learned State counsel also submits that the raid was conducted in the present case after following the due process of law and after associating the witnesses.

6. I have heard the learned counsel for the parties at length and perused the case file minutely.

7. From the allegations levelled by the complainant in the FIR, it is apparent that huge quantity of illicit liquor/lahan was recovered from the house of the petitioner. Still further, in the past also, two cases under the provisions of the Excise Act and one case under the provisions of NDPS Act have already been registered against the petitioner. Thus, keeping in view the gravity of the allegations levelled against the petitioner as well as his past criminal record, the petitioner does not deserve the concession of anticipatory bail.

8. In view of the above, the present petition is dismissed, being devoid of any merit.

(N.S. SHEKHAWAT)
JUDGE

22.05.2025
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO