



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

CRM-M-35430-2025

Date of Decision: 14.07.2025

Pawan Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Manoj R. Sharma, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail in a case FIR No.36 dated 14.05.2025 under Sections 61/1/14 of Punjab Excise Act and Section 123 of BNS, 2023 registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur.

2. Succinctly, facts of the case are that on 14.05.2025, the Police party while on patrolling, received a secret information to the effect that Pawan Kumar son of Chaman Lal (petitioner) was indulged in selling alcohol in his house. It was informed that he was to come from his village to village Ahmedabad on his scooter. If raid is conducted, he could be arrested alongwith the alcohol. On receiving the secret information, a raiding team was constituted. The raiding team reached at the place disclosed in the secret information and the petitioner was apprehended. On search, 10 bottles of liquor were recovered from him. He failed to produce any licence regarding possession of the same and thus, he was arrested on the spot. On registration of the FIR, the investigation commenced. The petitioner approached the Court of learned Addl. Sessions Judge, Gurdaspur praying for grant of regular bail. However, after hearing both the sides, the



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learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 03.06.2025. Hence, the petitioner approached this Court praying for grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that alleged recovery has been effected from the a public place, however, no independent witness was joined at the time of recovery. He submits that the petitioner has no criminal antecedents as he has never been involved in any other criminal case. It is submitted that the petitioner is behind bars from the last two months and thus, in the facts and circumstances, he deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was specifically named in the FIR and he was arrested on the spot alongwith 10 bottles of alcohol. On instructions, he submits that the case is under investigation. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case was allegedly arrested on 14.05.2025 alongwith 10 bottles of alcohol. As per custody certificate of the petitioner, he has completed incarceration of 01 month and 27 days as on 12.07.2025. It further reflects that the petitioner is not involved in any other case. The case is under investigation.

6. The veracity of the allegations would be assessed only after the



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conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

14.07.2025

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No