

Before:- Mr. Inderjit Singh, J.

Criminal Misc. No. M-5275 of 2018. D/d. 24.7.2018.

Bhupinder Singh - Petitioner

Versus

State of Punjab - Respondent

Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Pawan Sharda, Senior DAG, Punjab.

Criminal Procedure Code, 1973 Section [438](#) Punjab Excise Act, 1914, Section 61 - Anticipatory Bail - Recovery of illicit liquor - Present petitioner was not apprehended from the spot - Only secret information was against him - As per the prosecution, 97 bottles of illicit liquor from a plastic can were recovered - He is not required for custodial interrogation - Petition allowed.

[Paras 5 and 6]

JUDGMENT

Inderjit Singh, J. - Petitioner-Bhupinder Singh has filed this petition under Section [438](#) Cr.P.C., 1973 for grant of anticipatory bail in case FIR No.10 dated 16.01.2018, registered at Police Station Cantonment, District Amritsar City, under Sections 61/1/14 of the Punjab Excise Act.

2. Notice of motion was issued in this case.

3. Learned State counsel has appeared on behalf of the respondent-State and contested this petition.

4. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

5. As per the allegation in the FIR, the present petitioner was not apprehended from the spot. Only secret information was against him. As per the prosecution, 97 bottles of illicit liquor from a plastic can were recovered.

6. In pursuance of the interim order dated 08.02.2018, passed by this Court, the petitioner has already joined the investigation. Recovery has already been effected. He is not required for custodial interrogation. No useful purpose would be served by sending the petitioner to custody.

7. Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 08.02.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section [438](#) (2) Cr.P.C., 1973.