

**IN THE COURT OF RANJEEV PAL SINGH CHEEMA,
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

CIS No: BA-2999-2025

CNR No: PBGD01-006638-2025

Date of Decision: 02.07.2025

Dilsher Singh @ Shera son of Ajit Singh, resident of village Kathiala, P.S.
Dera Baba Nanak, Tehsil Dera Baba Nanak, District Gurdaspur.

.....Applicant/Accused

Versus

State of Punjab

.....Respondent.

FIR No. 60 dated 20.05.2025

Under Section 61-1-14 of Excise Act and Section 123, 62 of
BNS, 2023

Police Station:- Dera Baba Nanak

**First Application for bail under Section 483 of Bharatiya Nagarik
Suraksha Sanhita, 2023**

Present: Sh. Gurpreet Singh Maanpuria, Advocate, Id. Counsel for
applicant/accused Dilsher Singh @ Shera.
Sh.Tejinder Pal, Ld. Additional P. P for State.

ORDER

1. This order of mine shall dispose off the bail application under the provision of Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed by applicants/accused in case FIR No. 60 dated 20.05.2025, under Section 61-1-14 of Excise Act and 123, 62 of BNS Police Station Dera Baba Nanak.

2. Upon notice, learned Additional P.P. put in appearance and contested the bail application. Police record was also requisitioned.

3. The brief facts of the prosecution case are that FIR in question registered against Dilsher Singh @ Shera, Baldev Singh, Mohinder Singh and Satnam Singh on the basis of secret information received by ASI Rajbir Singh when on 20.05.2025, he along with his police party was on patrolling in the area falling under jurisdiction of Police Station Dera Baba Nanak. On the basis of secret information, the police party raided at the designated spot and accused Baldev Singh, Satnam Singh and Mohinder Singh were arrested and from their possession, 20 bottles of illicit liquor

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were recovered. Applicant/accused Dilsher Singh was arrested on 07.06.2025. The FIR in question registered against the accused under the provision of Excise Act as well as an attempt to sell stupefying intoxicant liquor attracting Section 123 of BNS read with Section 62 of BNS. Chemical Examiner Report has not been received till this stage of investigation.

4. Sh. Gurpreet Singh Maanpuria, Advocate, appearing on behalf of applicants/accused submitted that applicant/accused is innocent and has not committed any offence. Applicant/accused was arrested on 07.06.2025 and since then he is in custody. Presentation of the challan is likely to take sufficient long time for the trial to conclude. No useful purpose would be served by detaining the applicant/accused behind bars for indefinite period. Finally it was prayed that the applicant/accused be released on bail during pendency of the case.

5. On the other hand, learned Additional P. P. opposed the bail application and prayed for dismissal of the same. ASI Rajbir Singh, No. 2485/BTL, now posted at Police Station Dera Baba Nanak came present along with record and suffered statement that on 20.05.2025, accused Baldev Singh, Satnam Singh and Mohinder Singh were arrested and from the possession of above said accused 20 bottles of illicit liquor were recovered and FIR under Section 61 of Excise Act, 123 and 62 of BNS was registered against the above said accused along with Dilsher Singh @ Shera, who was arrested on 07.06.2025. No bail application of accused Dilsher Singh @ Shera is pending in any Court in this FIR. Accused Dilsher Singh @ Shera is involved in three other Excise cases. Chemical Examiner report is yet to be received. Cancellation of bail application of the present accused is not pending. Co-accused have been granted bail in this case.

7. After hearing the rival contentions of the parties and from the perusal of the record, it emerges out that 20 bottles of illicit liquor recovered from applicant/accused and other three co-accused while they were allegedly selling liquor. Apparently, investigation of the case is at

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initial stage and Investigating Agency has not yet brought forth any cogent material or evidence on file that would definitively substantiate the accusation in the alleged offence of dealing in stupefying liquor against the applicant. While the investigation is still going on, the applicant/accused, who is in custody for considerable period, the liberty of an individual cannot be curtailed indefinitely especially when the initial material on record does not prima facie support the accusation for involvement of distributing stupefying material. In the light of above facts and without expressing any opinion on the merits of the case, this Court deems it appropriate to grant concession of regular bail to the applicant, who is in custody since 07.06.2025. Co-accused have been granted bail in this case as per statement of ASI Rajbir Singh. However, to balance the interests of justice and to ensure that the prosecution is not hampered if evidence to substantiate accusation under Section 123 of BNS emerges out later, the bail as such is granted subject to specific condition as contained below at serial No. VI. So, in these circumstances, the present bail application is allowed and applicant/accused is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of Ilaka/Duty Magistrate subject to the following conditions:-

- I. That applicant-accused shall not indulge in any activity similar to the activities on the basis of which aforesaid criminal case registered against him.
- II. That applicant-accused shall not undertake any action which is prejudicial to proceedings during the course of trial.
- III. That applicant-accused shall attend all the dates during the trial unless prevented by any reasonable cause.
- IV. That applicant-accused neither personally nor through anyone make any attempt to influence the witnesses or tamper with the evidence.
- V. That applicant-accused shall not leave India without the prior permission of the Court.
- VI. It is further specifically clarified that in case credible evidence or material subsequently comes on file during the course of investigation, to substantiate the accusation for the alleged offence falling under Section 123 of BNS, against the applicant, then the prosecution would be at liberty to move an application for cancellation of bail before this Court.

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VII. The grant of bail is further conditioned upon accused/applicant's diligent participation in the trial. This includes, but is not limited to, the timely cross-examination of witnesses and adherence to the Court's schedule. Failure to comply with these conditions, including any deliberate delay in proceedings may result in the cancellation of bail and the applicant/accused may be sent to judicial custody, till the conclusion of trial, in that eventuality and Ld. Trial Court would be at liberty to cancel the bail and to forfeit bail bonds/surety bonds if there is violation of this condition.

8. However, it is made clear that observations made herein above shall not be construed as an expression on the merits of the main case. Copy of this order be sent to the concerned learned Ilaqa Magistrate. Record be returned and bail papers be consigned to the Record Room, Gurdaspur.

Pronounced
02.07.2025.
Rajeev Gupta, Stenographer-1

(Ranjeev Pal Singh Cheema),
Additional Sessions Judge,
Gurdaspur(UID No. PB0294)

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