

In the Court of Sachin Sharma, Additional Sessions Judge, Ferozepur

CNR No.PBFZ0100-0744-2022

CIS No. BA/310 of 2022

Date of Order: 18.02.2022

Surjit Singh @ Kiro son of Bakhoo, resident of Village Ali Ke, Dulchi Ke, Tehsil and District Ferozepur.

..Applicant/accused.

Versus

State of Punjab.

...Respondent.

FIR No.14, dated 27.01.2022,
U/s 61/1/14 of Punjab Excise Act,
Police Station, Sadar Ferozepur.

(Application under Section 438 Cr.P.C.)

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Present: Sh. R.K.Mehta, Adv., counsel for the applicant/accused.

Sh. Rajiv Chaudhary, Additional PP for the State.

O R D E R

1. Heard on the bail application filed by applicant/accused, under Section 438 of Cr.P.C, pertaining to FIR No.14, dated 27.01.2022, under Section 61/1/14 of Punjab Excise Act, Police Station, Sadar Ferozepur, which has been opposed by the learned Additional PP for the

State, on the ground that there are serious allegations against the applicant/accused.

2. Perusal of the FIR as well as police record shows that the present case has been registered on the basis of secret information against the applicant/accused with the allegations that he is habitual of distilling and selling illicit liquor. As per police record, raid was conducted and recovery of *45 ¼ bottles of Illicit Liquor* was effected from his house. Hence, the present FIR has been registered.

3. At the very outset, learned counsel for the applicant/accused has reiterated the version as taken in the bail application and stated that the applicant/accused is ready to join the investigation, in addition to the fact that recovery, if any, has already been effected. Hence, prayer has been made for granting the concession of anticipatory bail to the applicant/accused.

4. Per Contra, learned Additional PP for the State, on the instructions from ASI Gurmeet Singh has conceded the factum of recovery of *45 ¼ bottles of Illicit Liquor* from the house of applicant/accused, however, at the same time, he vehemently opposed the present bail application on the ground that there are serious allegations against the applicant/accused and as such, prayer has been

made for dismissal of the bail application.

5. After paying heedful consideration to the rival contentions raised by both the parties and after having perused the record, though, the name of the applicant/accused is there in the FIR but at the same time, recovery of *45 ¼ bottles of Illicit Liquor* has already been effected from the house of applicant/accused, qua which, custodial interrogation of the applicant/accused is not required and there are no allegations that if the applicant/accused is released on bail, he will tamper the prosecution evidence and flee from justice, therefore, in the event of arrest of applicant/accused in the case in hand, he will be released on interim bail to the satisfaction of Arresting Officer/ Investigating Officer. The applicant/accused will comply with the provisions of section 438 (2) Cr.P.C and he shall join the investigation pertaining to the case in hand on or before 28.02.2022.

6. Now to come up on 28.02.2022 for further proceedings and consideration. Anything said in this order shall not affect the merits of the main trial in any manner.

Pronounced in open Court.
Dated: 18.02.2022.
Kapil, Stenographer Gr.II

(Sachin Sharma)
Additional Sessions Judge,
Ferozepur.
(UID No.PB0519)