

**In the court of Ms. Palwinder Jit Kaur,
Additional Sessions Judge, Patiala.**

BA No. 3089 of 2020
CNR No. PBPT0100-9150-2020
Decided On: 02.11.2020

Birbal aged about 42 years son of Dhanna Singh resident of village Duttal
Tehsil Patran, District Patiala.

...Applicant-accused

Versus

State of Punjab

...Respondent

FIR No. 366 dated 23.10.2020
Under Section 61/1/14 of Punjab Excise Act, 1914.
Police Station: Patran.

Present: B.S. Ghuman Adv, counsel for the applicant-accused.
Sh. Harminder Singh Addl.P.P for the State along with HC
Buta Singh.

ORDER:-

1. Apprehending arrest in connection with above FIR, in the matter of offence punishable under Section 61 of the Punjab Excise Act, the applicant has moved this application under Section 438 Cr.P.C for anticipatory bail. HC Buta Singh has produced the record.

2. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the above said case. The case has been registered on the basis of secret information against one Balraj Singh son of Shamma Singh. The learned counsel for the applicant orally submitted that the applicant is not known by the name Balraj Singh son of Shamma Singh. The name of applicant is Birbal son of Dhanna Singh. The police is raiding

the house of the applicant in the above noted case. No recovery has been effected from the applicant. The applicant is ready to join the investigation and undertakes to comply with all the terms and conditions imposed by the court. He is entitled to get anticipatory bail.

3. On the other hand, learned Addl. P.P has argued that on 23.10.2020, a secret information was received to the effect that the applicant-accused had been selling the country made liquor by bringing from Haryana State. A raid was conducted at the site, but accused on seeing the police party fled away from the spot after leaving the plastic bag and on search of which 38 bottles of country made liquor make 'Malta' for sale in Haryana only. The learned Addl. PP has further argued that the FIR has been registered on the basis of secret information and the present applicant is the same person mentioned in the present FIR. In these circumstances, the custodial interrogation of the applicant-accused is required and he is not entitled to concession of bail.

4. This Court has heard the learned counsel for the applicant-accused, learned PP for the State and gone through the record produced by HC Buta Singh. According to the police, on 30.10.2020, a secret information was received to the effect that the applicant-accused had been selling the country made liquor by bringing from Haryana State. A raid was conducted at the site, but on seeing the police party, he fled away from the spot after leaving one plastic bag from which 38 bottles of country made liquor make 'Malta' for sale in Haryana only were recovered. The alleged recovery of liquor has already been made. Keeping in view the above detailed discussion, this Court is of the considered view that

custodial interrogation of the applicant is not required. Thus, he is entitled to get concession of anticipatory bail. He is directed to appear before the Investigating Officer and to join the investigation within a period of 10 days and in the event of his arrest, he will be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer. This bail order is subject to the following conditions:-

I) That the applicant shall join the investigation as and when called by the investigating officer;

II) That the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

III) That the applicant shall not leave the country without prior permission of the court.

IV) In case, the applicant fails to join the investigation within said period of 10 days, this bail order shall be deemed as cancelled.

5. To come upon 17.11.2020 for awaiting the report of the Investigating officer. Police record be returned.

Pronounced in open Court,
On 02.11.2020

(Palwinder Jit Kaur)
Addl. Sessions Judge, Patiala
(UID-PB0187)

Sanjay Jain, Stenographer-I