

**In the court of Sardar Harjeet Singh, Additional Sessions Judge,
Moga. (UID No.PB0131)**

CIS No.BA/100/2025
CNR No.PBMO01002432025
Date of Order:- 28.01.2025

Baljinder Singh son of Magher Singh resident of Village Daroli Bhai, Patti
Bhai, District Moga.

....Accused/Applicant

Versus

State of Punjab

FIR No. 03 dated 09.01.2025
Under Sections :- 61 of Excise Act.
Police Station :- Sadar Moga.

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Bail Application under Section 438 Cr.P.C.

Present :- Shri Gurpreet Singh Bhardwaj, Advocate for applicant/accused
Shri Amandeep Singh Adiwai, Additional Public
Prosecutor for State

ORDER

Police record was summoned and received.

Learned counsel for accused/applicant has argued that accused/
applicant has been falsely implicated in the case in hand. Accused/applicant is
shown to be run away at the time of alleged recovery. Moreover, alleged
recovery has already been effected. The accused/applicant is ready to join the
investigation. His custodial interrogation is not required and prayed that the
accused be granted anticipatory bail.

On the other hand, learned Additional Public Prosecutor for the
State argued that case has been registered on the basis of true facts and serious
allegation have been levelled against the accused/ applicant that police has

received secret information against applicant/accused. It is not a fit case, where concession of anticipatory bail can be given to accused/applicant, rather his custodial interrogation is required. Lastly, he prayed that bail application be dismissed.

I have considered the submissions of learned counsel for accused/applicant and learned Additional Public Prosecutor for the State.

Perusal of record shows that present FIR was registered by the police on the allegations that on 09.01.2025 police party headed by ASI Sukhmander Singh along with police party in connection with patrolling and in search of suspected persons, were going towards Village Ghal Kalan, Safuwala, Daroli Bhai etc. and when police party had reached 500 meters behind from Village Ghal Kalan, then Investigating officer received secret information that Kanta Singh son of Magher Singh resident of Daroli Bhai is habitual of distilling the illicit liquor in his house and if raid is conducted immediately at his house, he can be caught red-handed with heavy quantity of illicit liquor or lahan. Thereafter police party conducted raid at theh disclosed place and when police party reached near the house of applicant-accused, then he was standing outside of his house and on seeing the police party he ran away from the spot. thereafter search of the house of applciant-accused was conducted and 30 litre was recovered from a Drum lying in the house of applicant-accused. Accordingly, ruqa was sent and naka was laid. Whereas accused Daljinder Singh alias Kanta Singh ran away from the spot.

In this case, recovery has already been effected. In these circumstances, the purpose will be served by directing the applicant/accused to join the investigation. So, in the meantime, applicant/accused is directed to

join the investigation with the Investigating Officer/Arresting Officer and on his doing so, he shall be admitted to interim bail by Investigating Officer/ Arresting Officer to his satisfaction, subject to compliance of provisions of Section 438(2) Cr.P.C

Now to come upon 04.02.2025 for awaiting compliance report and further arguments.

Pronounced.
28.01.2025
(Gagandeep, Stenographer II)

(Harjeet Singh)
Additional Sessions Judge,
Moga. (UID No.PB0131)