

In the Court of Mehak Sabharwal,
Sub Divisional Judicial Magistrate, Sultanpur Lodhi.
(UID No.PB0385)

CNR No. PBKPB10013812024

Case No. CHA/79/2024



Presented on : 17-07-2024

Registered on : 17-07-2024

Decided on : 30-07-2024

Present:- Sh. Vikas Sabharwal, Ld. APP for the State.
Accused Ajay in custody (**produced in the Court**),
assisted by Advocate Sh. Bhupinder Singh, Advocate.

JUDGMENT:-

1. Present case was registered against the accused on the basis of Ruqa sent by ASI Baldev Singh, wherein it has been averred that on 29.05.2024, he alongwith other police officials were going from Sultanpur Lodhi towards Depewal on private vehicle in connection with search of bad elements and when police party reached Deepewal, then, from the Depewal Railway Fatak, a young person was seen sitting on the side of the road with a heavy plastic can under him, who started to slip when he saw the police party, on which he was nabbed by ASI Davinder Pal with the help of other police officials on the basis of suspicion. On the asking of IO what is in this plastic can, then accused Ajay said that it contains illicit liquor, then before checking the plastic can in the possession of Ajay whose mouth was closed with a cover, IO tried to indulge a private witness to be party to the investigation team but everyone expressed their own inability and nobody was ready to join. Thereafter, IO in the presence of his police party opened the lid of the can plastic which was carried by the accused, which was found

containing illicit liquor and thereafter he withdraw one sample of 180 Mls from the recovered liquor as sample. Remaining on measuring it came out to be 34 bottles of 750 mls each and one bottle of 570 mls which was put in same plastic cane. Thereafter, IO again poured the abovesaid illicit liquor in the same plastic cane and sealed the above said sample parcel and plastic cane with his seal bearing impression "BS". He prepared his specimen seal impression on papers. Seal after used was handed over to S/Ct Sarabjit Singh No.498/Kpt. Entire case property was taken into police possession vide separate recovery memo. Thereafter, IO scribed ruqa and sent it through PHG Surinder Singh No.28519 for registration of the FIR. A rough site plan was prepared. Accused was arrested. Statement of witnesses under Section 161 Cr.P.C were recorded. On return to police station, he deposited the above said case property with the MHC, who deposited the same in his malkhana. On 07.06.2024, MHC sent the sample of 180 ML to Chemical Examiner, Kharar through Head Constable Charanjit Singh for its examination vide road no.168/21 dated 07.06.2024 and the report of Chemical Examiner is received. On completion of investigation and other technicalities, challan against the accused was presented in the Court. Hence, the present case.

2. On appearance of accused, copies of challan were supplied to the accused free of cost, vide separately recorded statement, as envisaged under section 207 Cr. P.C/Section 230 BNSS, 2023.

3. Finding a prima-facie case, charge under Section 61(1) of Punjab Excise Act, 1914, was framed against accused, to which he pleaded guilty to the charge and did not claim trial.

4. Heard. Keeping in view the voluntarily nature of admission of guilt by the accused during charge, accused has been held guilty for having committed an offence punishable under Section 61(1) of Punjab Excise Act, 1914, for keeping 26070 ML of illicit liquor in his possession. Let the convict be taken into custody and be heard on the quantum of sentence.

Pronounced in Open Court.

Dated:-30.07.2024

Rakesh

Direct Typed

(Mehak Sabharwal),
Sub Divisional Judicial Magistrate,
Sultanpur Lodhi.
(UID No.PB0385)

QUESTION OF SENTENCE

Present:- Convict Ajay in custody, assisted by Sh. Bhupinder Singh, Advocate.
Sh. Vikas Sabharwal, Ld. APP for the State

5. Plea of convict is considered, who has orally submitted that he is a poor person, sole bread winner of his family and prayed for not committing such mistake in future. This plea is controverted by learned APP for the State.

So, in these circumstances, considering the age and character as well as antecedents of convict, the Court deems it fit to sentence convict, Ajay, under section U/s 61(1) of Punjab Excise Act, as per this, he is released on probation for one year, on furnishing of probation Bonds in the sum of ₹10,000/- as per details enumerated therein, along with ₹1,500/- as litigation expenses.

Cost of litigation of ₹1,500/-, imposed on convict has been paid against proper receipt in the Court. Case property, if any, be disposed off/dealt after expiry of period of appeal, if any. File be consigned to the

judicial Record-Room, **Sultanpur Lodhi.**

Pronounced in Open Court.

Dated:-30.07.2024

Rakesh

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