

**IN THE COURT OF SH. DEVINDER KUMAR GUPTA,
ADDITIONAL SESSIONS JUDGE, BARNALA. (UID NO.
PB0520)**

Bail application No. 1077-2022
CNR No. PBBR01-003348-2022
Date of Decision: 03.10.2022

Binder Singh aged about 47 years son of Ujagar Singh resident of Sahour,
Tehsil and District Barnala.

.....Accused/applicant.

Versus.

State of Punjab

....Respondent.

FIR No. 45 dated 25.09.2022
Under Section: 61-1-14 of Punjab Excise Act,
P.S. Thulliwal.

Bail application under Section 438 Cr.P.C

Present: Sh. HS Ranu, Adv, counsel for accused/applicant
Sh. Dilpreet Singh, Addl. PP for the State.

ORDER:-

1. This order of mine shall dispose of bail application moved by accused/applicant Binder Singh seeking anticipatory bail in terms of Section 438 Cr.P.C. arising out of above said FIR.
2. Notice of bail application was issued to the State and learned Addl. PP for the State has put in appearance on behalf of the state. Record of investigation summoned and received.
3. I have heard the learned Counsel for accused/applicant, learned Addl. PP for the State and also perused the record.
4. Succinctly stated as per the prosecution version, on 25.09.2022, ASI Amrik Singh along-with other police officials in connection with

patrolling and checking of suspected persons was present at village Hamidi, it was about 7:30 PM, then he has received a secret information to the effect that accused/applicant Binder Singh is habitual of selling the illicit liquor after preparing the same in his house. If, a raid be conducted at his house then he could be apprehended along-with huge quantity of illicit liquor/lahan. As the information was credible, so ruqa was sent and the present FIR has been registered against the said accused.

Accordingly, the police party conducted the raid at the house of accused/applicant Binder Singh and a person who was standing under the stairs, on seeing the police party fled away from the stop. On search, 185 liters lahan contained in a plastic drum and 40 liters lahan contained in the Iron drum were recovered. The same was taken into police possession. Thus total 225 liters of lahan (illicit liquor) has been recovered in the present case from the house of the accused/applicant.

5. The learned counsel for the accused/applicant argued that accused/applicant is quite innocent and has been falsely implicated in the present case. Prosecution allegations are false and concocted one. He further argued that accused/applicant has no concern with the alleged recovery. He further argued that the custodial interrogation of accused/applicant is not required. Moreover, the accused/applicant is ready to join the investigation as and when required. He has prayed for the grant of anticipatory bail to the accused/applicant.

6. On the other hand learned Addl. P.P for the State has opposed the bail application on the ground of gravity and seriousness of

allegations. He further submitted that the custodial interrogation of the accused/applicant is required to know the source of the said recovery and investigation and has prayed for dismissal of the bail application.

7. After giving thoughtful consideration to the rival contentions and going through the record of the case, this Court is of the considered view that no ground for grant of anticipatory bail to the accused/applicant is made out. As per the allegations of the prosecution, 225 liters of lahan (illicit liquor) detailed above has recovered from the house of accused/applicant. Thus, the allegations against the accused/applicant are grave and serious in nature. So far the **averments/ contentions of the learned counsel for accused/applicant** are concerned, those are matters to be appreciated only after taking evidence during trial. At this stage, it is too early to jump to any conclusion for the purpose of bail. As the heavy quantity of illicit liquor has been recovered from the house of the accused/applicant so, he would be excepted to furnish some explanation for the same. Hence, the custodial interrogation of the accused/applicant is very much necessary in the case in hand. In case the benefit of anticipatory bail is granted to the accused/applicant, it will hamper the investigation. Thus, keeping in view the facts and circumstances mentioned above, no exceptional circumstance for grant of anticipatory bail to the accused/applicant is made out. Accordingly, the instant bail application is dismissed. Police record be returned and bail application file be consigned to the record room.

Pronounced:
October 03, 2022

Rajiv Kumar JW/I

(Devinder Kumar Gupta)
Additional Sessions Judge,
Barnala, (UID No.PB0520)

Bail application No. 1077 of 2022
CNR No. PBBR01-003348-2022

Binder Singh Vs. State

Present: Sh. HS Ranu, Adv, counsel for accused/applicant
Sh. Dilpreet Singh, Addl. PP for the State.

Learned APP for the State has put in appearance on behalf of the State. Record of investigation received and perused. Arguments heard. Vide my separate detailed order of even date, the bail application stands dismissed. Police record be returned. File of bail application be consigned to the record.

Pronounced:
October 03, 2022

Rajiv Kumar JW/I

(Devinder Kumar Gupta)
Additional Sessions Judge,
Barnala, (UID No.PB0520)