

**IN THE COURT OF MS. RAJBINDER KAUR, PCS,
JUDICIAL MAGISTRATE IST CLASS,
NAKODAR (UID No. PB0390)**

**CNR no. PBJLA10006182023
BA-133-2023
DOI 18.04.2023
DOD 19.04.2023**

**FIR no 37 dated 07.04.2023
U/s 61-1-14 of Excise Act
PS Mehatpur.**

Vajir Singh age 66 years son of Inder Singh R/o village Bitlan, Tehsil Nakodar, PS Mehatpur, District Jalandhar.

Applicant/accused

Vs

State

Present :- Ms. Poonam Rani, Advocate for accused/applicant
Ms. Nirlep Kaur, Ld. APP for State.

Reply to bail application is filed. Copy has been supplied to counsel for applicant/accused.

Arguments heard on the bail application moved by accused through counsel. It has been submitted in application that the accused has been falsely implicated in this case and he has not committed any offence. Accused was arrested on 07.04.2023 and produced before Court on 08.04.2023 and since then he is in custody. The accused/applicant further submitted that the trial of the case would take enough time for conclusion. Applicant/accused undertook to not to temper the prosecution evidence. In the end prayer has been made for granting bail to accused. The bail applicaiton of accused is supported with affidavit of Shashi Pal who is relative of accused who stated that this is the first bail application of accused U/s 437 of Cr.P.C.

Ld. APP filed reply to bail application wherein she has denied all the averments of application and prayer has been made by Ld. APP to dismiss the bail application.

The Ld. Counsel for accused has submitted that accused/applicant has been arrested in the present case on 07.04.2023 by the police and since then he is in custody and he has been falsely implicated in this case. He submitted that the applicant/ accused is no more required for further investigation and completion of trial will take long time. Finally, he prayed for releasing the accused on bail.

Ld. APP has vehemently opposed the bail application of accused and has submitted that the accused committed a serious offence and as such he is not entitled for bail. She prayed to dismiss the present bail application.

I have heard the ld. counsel for accused and Ld. APP for the State and also gone through the remand papers, perusal whereof shows that the accused was arrested on 07.04.2023 in FIR No. 37, dated 07.04.2023, under Section 61-1-14 of Excise Act, PS Mehatpur. The scanning of papers reveals that the present case has been registered against accused on the allegations that on 07.04.2023 accused was apprehended with a plastic cane/canny containing 40 Kgs of Lahan. The accused was arrested on 07.04.2023 and sent to judicial custody on 08.04.2023 and since then he is in judicial custody. As the case is at initial stage and recovery whatsoever has already been effected. Therefore, in the opinion of the court the applicant is no more required for the purpose of investigation and culmination of trial will take

long time. As such, this court does not find any justification in keeping the accused person in detention. In fact, keeping him in custody will unnecessarily burden the State exchequer. Therefore the accused above named is ordered to be released on bail, subject to the following conditions:-

1. The accused person shall furnish bail bond in the sum of Rs. 35,000/- with one surety in the like amount.
2. The accused shall attend court in accordance with the conditions of the bond executed.
3. The accused shall not commit an offence similar to the offences of which he is accused, or suspected, of the commission of which he is suspected.
4. The accused 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 or tamper with the evidence.
5. Accused will not leave the country without prior permission of the Court.

Requisite bail bonds and surety bonds have been furnished which are accepted and attested. Ahlmad is directed to issue necessary release order immediately. Papers be tagged with FIR/Remand papers.

Pronounced in open court on:
19.04.2023

Nitin Kumar JW

(Rajbinder Kaur),PCS
Judicial Magistrate First Class
Nakodar
UID No. PB0-390