

**IN THE COURT OF MS.SANJEETA,
ADDITIONAL SESSIONS JUDGE(D),
BATHINDA (UID:PB-0177).**

CRN PBBT01-003719-2020.
CIS No.BA-1532 of 2020.
Date of Order:16.06.2020.

Gurmail Singh alias Gela, aged about 47 years son of Sh.Hansa Singh,
resident of Phul, Tehsil Phul, Distt. Bathinda.

..... Applicant.

Versus

State of Punjab

FIR No.61 dated 6.6.2020.
Under Section: 61 Excise Act.
Police Station: Phul, Bathinda

Bail application u/s 438 Cr.P.C..

Present: Sh.Vimal Kumar Garg, Advocate, Counsel for applicant/
accused.
Sh.Amarjit Syal, Addl. PP for the State.

ORDER

1. This order of mine shall dispose of first bail application under Section 438 Cr.P.C. filed by applicant/ accused in the above mentioned FIR.

2. Learned counsel for the applicant has submitted that this case has been registered against the accused on the basis of secret information. Nothing has been recovered from the applicant. Applicant has been falsely implicated. Even otherwise, the alleged recovery has already been effected. He has prayed for the acceptance of bail application.

3. On the other hand, learned Additional Public Prosecutor for State has opposed the bail application alleging that the accused had managed to flee from his filed, on seeing the police party and plastic drum containing 180 liters Lahan was recovered from the room,

siutated in his field. He has prayed for dismissal of the bail application. Police record produced, which is seen and returned.

4. I have considered the submissions made by learned counsel for applicant as well as learned Addl.PP for the State.

5. Perusal of the file reveals that on the basis of secret information received against applicant that he is in the habitual of distilling and selling illicit liquor at his field, raid was conducted at his field. Applicant Gurmail Singh, who was standing in the passage near the house constructed in the field, managed to flee from his field. He was chased by S.Ct.Gurpreet Singh, who identified the accused as Gurmail Singh @ Gola son of Hansa Singh, r/o Phul Town. A blue coloured drum containing 180 liters Lahan was recovered from the room constructed in his field.

6. Applicant has not disputed with his possession over the room, from where the recovery was effected. He was duly identified by Sr.constable Gurpreet Singh. It has become a trend for the law violators to abscond from the scene of occurrence to avoid their apprehension. It has now come to my notice that invariably in number of cases of this nature, the accused manages to flee from the spot. Applicant has caused loss to the State Exchequer by his act of distilling illicit liquor with the help of Lahan. So, I find that custodial interrogation of applicant is required to ascertain as to whether the Lahan recovered from his house was to be used by him for distilling illicit liquor or whether the Lahan was to be sold by him to some other person for the purpose of distilling illicit liquor. In such circumstances, I find no sufficient reason to grant

concession of anticipatory bail to the applicant. Hence, bail application of applicant thus stands declined. File be put up before the learned Sessions Judge, Bathinda on 29.6.2020 for proper entrustment.

**Pronounced:
Dt.16.06.2020.**

Kulwinder Singh,
Stenographer-II

**(Sanjeeta),
Addl. Sessions Judge(D),
Bathinda(UID:PB0177).**

CRN PBBT01-003719-2020.
CIS No.BA-1532 of 2020.

Gurmail Singh @ Gela versus State of Punjab

Present: Sh.Sandeep Kumar, Advocate, Counsel for applicant/accused.
Sh.Amarjit Syal, Addl. PP for the State.

Bail application put up today before me being Duty Officer as the courts are closed in view of the order dated 23.3.2020 (extended from time to time) passed by the Hon'ble Punjab and Haryana High Court, due to the peculiar circumstances arising out of outbreak of Novel Corona Virus (COVID-19).

Arguments heard. Vide my separate detailed order of even date, the bail application stands dismissed. File be put up before the learned Sessions Judge, Bathinda on 29.6.2020 for proper entrustment.

Pronounced:
Dt.16.06.2020.

Kulwinder Singh,
Stenographer-II

(Sanjeeta),
Addl. Sessions Judge(D),
Bathinda(UID:PB0177).