

State vs. Bhura Singh

BA-211-2021

CNR No.PBMNA10016062021

Present : Shri S.S.Sodhi Advocate for applicant Bhura Singh
Shri Munish Singla, APP for the State.

Police record perused. Argument have been heard upon the application filed for bail on behalf of applicant-accused. It is averred in the application that accused was falsely implicated in this case as nothing was recovered from them and he is innocent person. It is further averred that neither any bail application is pending or decided by any of the Court and this is his first bail application. It is further averred that he will appear each and every date of hearing. The application be allowed.

On the other hand, the learned APP for the State filed no reply, rather orally opposed the contents and has prayed for dismissal thereof.

Heard. The perusal of the file shows that the present FIR has been registered against the accused for the offence under section 61 of Excise Act on the allegations that on 12.09.2021, HC Jaspreet Singh along with other police officials, on a private vehicle in connection with patrolling and checking of bad elements/vehicles was present at bus stand Dharampura, where IO received a secret information to the effect that accused is habitual of distilling illicit liquor and if raid be conducted, he could be apprehended alongwith huge quantity of lahan or illicit liquor. Information is being reliable, ruqa was sent to the police station for registration of case and thereafter raid was conducted at the house of accused and accused was found in possession of 150 liters of lahan. The applicant-accused was arrested on 12.09.2021 and vide order dated

13.09.2021, he was sent to judicial custody and since then he is behind the bars. On the other hand, learned counsel for accused-applicant pleaded that he is innocent and no recovery has been effected from him. To my view at this stage, there is nothing to suggest that accused will run away from the criminal justice system and rather applicant-accused stated in the application that he will appear the Court or police as and when called for. Further the said allegations and its denial is matter of evidence. Recovery has already been effected in this case. Therefore, by considering the allegations against the accused and custody already undergone by him, I find that no useful purpose would be served by keeping the accused behind the bars for any further period especially when the completion of the investigation and conclusion of trial may take reasonably long time. Furthermore, bail is the rule and Jail is exception, except where there are circumstances suggestive of fleeing of accused from justice or thwarting. This view of mine got support from *State of Rajasthan, Jaipur Vs Bal Chand alias Baliy AIR 1977 (SC) 2447*. Otherwise, also efforts are being made to de-congest the Jail premises due to outbreak of Covid-19. Further, to keep him (accused) behind the bars for further more time will may also cause unnecessarily financial burden upon the Ex-chequer of the State. Thus, without commenting upon the merits of case, the accused Bhura Singh is hereby admitted on bail for the offence under section 61 Excise Act subject to furnishing bail bonds and surety bonds for an amount of Rs.50,000/- and following conditions:

- (i) The applicant will not commit an offence similar to offence of which he is accused.
- (ii) The applicant will appear on each and every date of hearing whenever directed by the court.

(iii) The applicant 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.

Necessary bail bonds and surety bonds furnished which are accepted and attested. Release warrant be issued immediately. Papers be tagged with remand/FIR.

Date of Order: 24.09.2021
Vinit

Amarjeet Singh, PCS
JMIC, Budhlada,
UID No.PB 0480