

ORDER BELOW BAIL APPLICATION

1. The said case against the accused is under section 65AA of the amended Prohibition Act wherein accused was arrested and produced before court and she was taken into judicial custody and advocate for an accused moved a bail application under section 480 of the B.N.S.S. which was strictly objected by Ld. APP.
2. Perusing the records of the present situation at hand, the offence primarily is registered under section 65AA of the amended Prohibition Act which is maximum punishable up to 3 years and fine. It is well settled law that when the presence of accused can be secured and the offence alleged is not very heinous in nature, It is not justified to keep the accused in the custody. Now, as the accused is an old aged woman and is local resident of Khergam, so it is must to appreciate the observation made by Higher court that " **Bail is rule and jail is exception** ". So, taking law into account and the seriousness of the offence, it seems to this Court that there are no reasons to keep the accused in custody hence I pronounce the following order.

ORDER

The said application is hereby allowed. The accused is hereby allowed to be enlarged on bail after furnishing surety of Rs.5000/- (Rs. Five thousand only) and personnel bond of like amount.

Today signed and Pronounced in this open court.

Date:-11-08-2026
Khergam

(D.R.Patel)
Judicial Magistrate First Class
Khergam