

Mohit @ Moti Vs. State (BA-2444-2023)
Amit @ Meenu Vs. State (BA-2477-2023)
Sandeep @ Mama Vs. State (BA-2589-2023)
Naresh @ Nesi Vs. State (BA-2641-2023)
Amit @ Mita Vs. State (BA-2764-2023)

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HRSO010096902023



Presented on : 17-08-2023
Registered on : 17-08-2023
Decided on : 28-09-2023
Duration : 0 years, 1 months, 11 days

**In the Court of Additional Sessions Judge at Sonipat,
(Presided Over by Rajinder Pal Goyal)**

BA/2444/2023

Mohit @ Moti aged 28 years son of Raghbir, resident of village Biholi,
Tehsil Smalkha, District Panipat now confined in District Jail, Panipat.

...Applicant-accused

Versus

State of Haryana

...Respondent

(2)

HRSO010097742023



Presented on : 21-08-2023
Registered on : 21-08-2023
Decided on : 28-09-2023
Duration : 0 years, 1 months, 7 days

**In the Court of Additional Sessions Judge at Sonipat,
(Presided Over by Rajinder Pal Goyal)**

BA/2477/2023

Amit @ Meenu son of Rambir, aged 34 years, r/o village Naina Tatarpur,
P.S. Mohana, District Sonipat.

...Applicant-accused

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Versus

State of Haryana

...Respondent

(3)

HRSO010103902023



Presented on : 29-08-2023

Registered on : 29-08-2023

Decided on : 28-09-2023

Duration : 0 years, 0 months, 30 days

**In the Court of Additional Sessions Judge at Sonipat,
(Presided Over by Rajinder Pal Goyal)**

BA/2589/2023

Sandeep @ Mama aged 42 years son of Shri Jaipal resident of village
Bilaspur, Tehsil Samalkha, District Panipat.

...Applicant-accused

Versus

State of Haryana

...Respondent

(4)

HRSO010115512023



Presented on : 04-09-2023

Registered on : 04-09-2023

Decided on : 28-09-2023

Duration : 0 years, 0 months, 24 days

**In the Court of Additional Sessions Judge at Sonipat,
(Presided Over by Rajinder Pal Goyal)**

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Naresh @ Nesi Vs. State (BA-2641-2023)
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BA/2641/2023

Naresh @ Nesi aged 26 years son of Rambir resident of village Naina Tatarpur, Tehsil and District Sonipat at present confined in District Jail, Panipat.

...Applicant-accused

Versus

State of Haryana

...Respondent

(5)

HRSO010123682023



Presented on : 15-09-2023

Registered on : 15-09-2023

Decided on : 28-09-2023

Duration : 0 years, 0 months, 13 days

**In the Court of Additional Sessions Judge at Sonipat,
(Presided Over by Rajinder Pal Goyal)**

BA/2764/2023

Amit @ Mitta aged 28 years son of Shri Suresh resident of VPO Shink, District Panipat.

...Applicant-accused

Versus

State of Haryana

...Respondent

FIR No.747 dated 05.11.2020.

Under Sections 328, 272, 420, 467,

468, 471 IPC, 61/72 (A) of Excise Act 2020.

Police Station City, Sonipat.

Argued by :-S/Shri Sanjay Kumar, Jitender Saroha, Praveen Tyagi, Kuldeep Singh Solanki and J.P. Chhikara, Advocates for the applicants-

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accused.

Shri Baldev Singh, Public Prosecutor for the State.

ORDER:-

This order of mine shall dispose of five bail applications for grant of regular bail preferred by the applicants, namely, **Mohit @ Moti, Amit @ Meenu Sandeep @ Mama, Naresh @ Nesi and Amit @ Mita** as these bail applications pertain to same First Information Report.

2. Replies of the bail application filed.
3. The brief facts of the prosecution case are that on 05.11.2020 SI Jagdish and his party was on Jatwara mor, Sonipat in connection with patrolling and investigation of crimes. That a secret informer gave the information that Ronak son of Bijender Singh r/o Tihar Malik Sonipat and Hemant son of Jasbir Khatri, r/o Brahmnan, Sonipat were preparing for sale of adulteration liquor below the bridge in front of gate of back gate of Sugar Mill, Sonipat by affixing the original label of Rasila Santra and original lid. If raid was conducted, they could be apprehended. The raid was conducted accordingly and recovery was also effected from the accused. It was printed on 510 lids as N.V. Group Distilleries limited, Badholi Haryana Excise. The samples of one bottle were drawn from each of the boxed. The samples as well as lids were taken into police possession and the case FIR under Sections 420, 467, 468, 471 IPC & 61-4-2020 of Excise Act was registered. Investigation was carried out by SI Jagdish. After disclosures statements of accused after their police remand, sections 272, 328 IPC and Section 72-A-

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4-2020 of Excise Act was added.

The accused have got those places demarcated as per their disclosure statements where they were keeping illicit and spurious liquor along with their companions. They also disclosed the names of their companions. The accused also named Sahil and Sonu confessed their involvement in the incident. The spurious liquor and Rs.3,000/- were recovered from accused Sahil and Sonu as per their disclosure statements. Accused Satpal @ Happu son of Prem Singh was also joined in the investigation of the instant case who was confined in case FIR No.746 of 2020 under Sections 328,272, 420 IPC and Section 61-4-2020, 72-A-4-2020 of Excise Act, P.S. City Sonipat who also made confession regarding the incident of the present case. Thereafter, ASI Rajesh had carried out the further investigation. Accused Satpal during his disclosure statement confessed his involvement in the incident that he had taken the liquor vend on permit in the garb of which his friend Sahil Rathee and Anil @ Leela used to get the illicit and spurious liquor of marka Rasila Santara from them and gave English liquor to them in exchange. Accused Amit Rathee and Amit Khatri were also wanted in the instant case who were confined in case FIR No.749 dated 06.11.2020 u/ss 304, 328, 420, 272 IPC & Section 72-A-4-2020 Excise Act, P.S. City, Sonipat. Therefore, they were joined in the investigation in the instant case and were arrested in this case. They got the place of occurrence demarcated. The case property of the instant case was sent to FSL Madhuban. The holograms and labels of N.V. Distillery Pvt.

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Limited Company, village Badoli, District Ambala were subjected to examination and their report was also obtained. The quality control of N.V. company disclosed that the wrappers and holograms on the recovered liquor were fake. During investigation, it was found that many people including Mohit @ Moti son of Raghbir were manufacturing illicit country made liquor by running the factory style as N.V. Rasila Santra. During investigation, many persons including Mohit @ Moti made their disclosure statements who disclosed that they had prepared illicit and spurious liquor with the chemical with a greed to earn more money. Thus, accused along with others have been challaned on finding the evidence of the involvement. As per police reply, several cases are pending against accused both the accused persons.

4. Learned counsels for applicants-accused have sought the regular bail of applicants-accused on the plea that they are in custody from the date of their arrest. Names of the applicants-accused are not mentioned in the FIR and nothing has been recovered from the possession of the applicants-accused and the recovery, if any, shown by the police, the same is planted one. The applicants-accused are innocent persons and they have been falsely implicated in the present case on the basis of disclosure statement of co-accused. Co-accused Hemant, Sonu, Sahil Rathi, Satpal @ Happu, Ronak, Sumit Rathi, Anil Malik,. Mukesh @ Vickey, Ajit @ Jeeta, Mandeep @ Setha, Amit Khatri and Sumit @ Shami have been released on bail by the Hon'ble High Court. Investigation in this case has already been

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completed and the challan has been presented before the court. The trial of the case will take sufficient long time to conclude and no useful purpose will be served by detaining the applicant-accused further in custody. It is therefore, requested that the applicants-accused be released on regular bail.

5. On notice, the learned Public Prosecutor for the State has opposed the bail application tooth and nail and prayed for dismissal of the same. ASI Jasbir Singh No.80, Spt, P.S. City, Sonipat has made a statement that applicants-accused Mohit @ Moti, Amit @ Meenu, Sandeep @ Mama, Naresh @ Nesi and Amit @ Mita are involved in preparing the illicit and spurious liquor.

6. I have heard the learned counsel for the applicants-accused and the learned Public Prosecutor for the State and also perused the statement of Investigating Officer.

7. The learned counsels for the applicants-accused have submitted that the applicants-accused are in custody from the date of their arrest. In so far as involvement of the applicants-accused in various cases is concerned, those cases are still pending but the culpability of the applicants-accused is still to be decided by way of evidence and the fate of the applicants-accused cannot be decided solely on the basis that several cases are pending against the accused.

8. In the instant case, the bail application of two of the applicants-accused Sandeep @ Mama and Mohit @ Moti has already been dismissed by the Hon'ble Punjab & Haryana High Court, Chandigarh vide its order

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dated 01.05.2023 in CRM-M-4699-2023, therefore the question of the bail to the applicants-accused does not arise and the applicants-accused are involved in manufacturing the spurious liquor. Moreover, ASI Jasbir Singh No.80, Spt, P.S. City, Sonipat has also made a statement that applicants-accused **Mohit @ Moti, Amit @ Meenu, Sandeep @ Mama, Naresh @ Nesi and Amit @ Mita** are involved in preparing the illicit and spurious liquor. Therefore, bail applications of applicants-accused being without merit and are rejected. **It is hereby made clear that the order of this court shall have no bearing on the merits of the case.** Papers be tagged with the main file.

Announced in open court.
28.09.2023

Anil Kumar

(Rajinder Pal Goyal)
Additional Sessions Judge,
Sonipat. **UID HR0091**

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