

**In the Court of Shri Sham Lal,
Additional Sessions Judge, Sangrur.
(Unique Identification No. PB0123)**

B.A.No.223 of 05.07.2019.
Computer ID no. 1902/2019.
Decided on10.07.2019.

Sudesh Kumar @ Sonu aged about 41 years S/o Rajinder Singh, R/o
Near Shiv Ji Mandir, Ambedkar Nagar, Sangrur.

.....Accused/Applicant.

Versus

State

F.I.R.No. 129 dated 28.06.2019.
U/s 61/1/14 Punjab Excise Act,
Police Station : city Sangrur

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

Present: Shri G.S Sibia, learned counsel for applicant.
Shri R.S.Kauldhar, learned Public Prosecutor for the
State.

ORDER:

1. Arguments on anticipatory bail application moved by applicant/accused Sudesh Kumar @ Sonu under Section 438 Cr.P.C. in case bearing FIR no.129 dated 28.06.2019 under Sections 61/1/14 Punjab Excise Act, Police Station city Sangrur, heard. Police record produced and perused.
2. Learned counsel for applicant/accused has argued

that applicant/accused has been falsely implicated in this case. The alleged recovery of liquor has already been effected. The custodial interrogation of applicant/accused is not required for the purpose of investigation as nothing is to be recovered from the applicant/accused. Applicant/accused is ready to join the investigation and to co-operate in the investigation. Therefore, it is prayed that applicant/ accused may kindly be released on anticipatory bail as prayed for.

3. On the other hand, learned Additional Public Prosecutor for the State has argued that 150 bottles of country-made liquor make First Choice (Haryana) for sale in Haryana only were recovered from the house of applicant/accused on 28.06.2019 when the police party of SI Darshan Singh conducted the raid on the basis of secret information received against applicant/accused and co-accused Nirmala @ Lali mother of applicant/accused to the effect they used to sell the country-made liquor at higher rate after purchasing the same from Haryana. The mother of applicant/accused Nirmala @ Lali was arrested at the spot whereas applicant/accused succeeded in running away by throwing the bottle of liquor carried by him in his hand on seeing the police party. The custodial interrogation of applicant/accused is required to trace-out the source from where the said liquor was brought

by him as well as to conduct the investigation properly in this case. Hence, it is prayed that the pre-arrest bail application moved by applicant/accused may kindly be dismissed.

4. As per allegations of the prosecution, on 28.06.2019, police party headed by SI Darshan Singh, after receiving the secret information against applicant/accused and his mother Lali W/o Rajinder Singh @ Bupal R/o Near Shivji Mandir Dr. Ambedkar Nagar Sangrur to the effect that they used to sell liquor of Haryana at higher rate after purchasing the same at lower rate from Haryana, conducted the raid at the house of applicant/accused as disclosed in the secret information and recovered 150 bottles of country-made Liquor make First Choice (Haryana) for sale in Haryana only from the house of applicant/accused. The mother of applicant/accused namely Nirmala @ Lali was nabbed at the spot whereas applicant/accused succeeded in running away by throwing the bottle of liquor carried by him in his hand on seeing the police party. Thus, the custodial interrogation of the applicant/accused is required for proper investigation of this case and to find out the source from where the said huge quantity of liquor was procured by the applicant/accused. Hence, I do not find any justification to grant the extraordinary relief of anticipatory bail to the applicant/accused. As

such, instant bail application for anticipatory bail moved by the applicant/accused stands dismissed. Police record be returned. Bail application file be consigned to the record room.

Announced:

Dated:-10.07.2019

(Sham Lal),
Additional Sessions Judge,
Sangrur
[UID Number : PB0123]

Harsh Kumar, stenographer-III