

**IN THE COURT OF KIRAN BALA, ADDITIONAL SESSIONS
JUDGE, BATHINDA. (UID No. PB-0147)**

CRN No. BA/1905/2020
CNR No. PBBT01-004586-2020
Order dated : 11.8.2020

Darshan Singh @ Babbu, aged about 37 years, s/o Buta Singh, resident of village Poohla, Tehsil & Distt. Bathinda.

... Applicant/Accused.

Versus

State of Punjab.

.... Respondent.

FIR No. 95 of 29.5.2020
U/s 61 Punjab Excise Act
P.S. Nathana, Distt. Bathinda.

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

Present : Sh. Ved Vyas Singla, counsel for applicant/accused.
Sh. J.S. Gill, Addl. PP for the respondent/State.

ORDER :

1. The instant bail application for grant of pre-arrest bail under section 438 of Cr.P.C., has been filed by the above said applicant, who has been named as accused in above referred FIR.
2. As per averments made by the accused/applicant, he has falsely been implicated in this case on the basis of alleged secret information. Nothing incriminating was recovered from the conscious possession of the accused/applicant and the alleged recovery has been planted by the police. He never indulged in distilling of illicit liquor or to sell the same. Moreover, the recovery has already been effected. There is no need of custodial interrogation of the accused/applicant. As such, he should be granted the benefit of pre-arrest bail.

3. No formal reply was filed, but grant of bail was opposed by Learned Addl. Public Prosecutor for the State on the plea that such type of recoveries are against the interest of society, so the accused/applicant should not be granted bail.
4. I have heard Learned counsel for the applicant/accused and Learned Addl. Public Prosecutor for the State and gone through the material on record. Arguments have been made ad-verbatim.
5. As per the prosecution version, on 29.5.2020 raiding party headed by Excise Inspector Gurtej Singh, received a secret information against the accused/applicant that he was habitual of distilling illicit liquor and selling the same. On conducting raid at the house of accused/applicant, 40 liters of Lahan was recovered, whereas the accused/applicant is stated to have fled from the house. While fleeing, the accused/applicant was identified by the EI Gurtej Singh. The recovery in question was effected from the house of the accused/applicant, who is stated to be stirring the contents of the container, allegedly containing Lahan. While fleeing from the spot, he was duly identified by EI Gurtej Singh. The allegations levelled against the applicant/accused are serious in nature, who instead of assisting the police party, opted to flee from the spot/his house. Moreover, by way of distilling illicit liquor by such like offenders, huge revenue loss is being caused to the State Govt. Even in the recent past, a number of persons had lost their lives in State of Punjab by consuming illicit liquor. Thus, distilling of illicit liquor and selling the same, is a big threat to the health of prospective consumers of such

liquor. Hence, in the given circumstances, custodial interrogation of the accused/applicant may be required for proper investigation of the case. Moreover, the investigation is at nascent stage and in case benefit of pre-arrest bail is granted to the accused/applicant, it would certainly hamper the police investigation. In the given premise the applicant/accused does not deserve the benefit of pre-arrest bail under section 438 Cr.P.C. and same is, hereby, declined. However, it is hereby made clear that anything here-in stated/observed shall have no bearing upon the final decision of the case on merits. Police record be returned forthwith. File be put up before learned Sessions Judge, Bathinda on 19.8.2020 for entrustment purpose.

Pronounced in open Court.

Dated: 11.8.2020.

(Kiran Bala),
Additional Sessions Judge, (D)
Bathinda.
(UID PB-0147)

Suraj Mohan SG-II.

CRN No. BA/1905/2020

CNR No. PBBT01-004586-2020

Darshan Singh Vs. State

Present : Sh. Ved Vyas Singla, counsel for applicant/accused.
Sh. J.S. Gill, Addl. PP for the respondent/State.

Police record produced. Arguments heard. Vide my separate detailed order of even date, the present bail application stands dismissed. Police record be returned forthwith. File be put up before learned Sessions Judge, Bathinda on 19.8.2020 for entrustment purpose.

Pronounced in open Court.

Dated: 11.8.2020.

(Kiran Bala),
Additional Sessions Judge, (D)
Bathinda.
(UID PB-0147)

Suraj Mohan SG-II.