

**Unique Identification Code PB0023.**

**IN THE COURT OF Dr. TEJWINDER SINGH,  
SESSIONS JUDGE,  
PATHANKOT**

Bail Application no.57 of 02.04.2018.

CNR no.PBPO010008362018.

CIS No.BA 191/2018.

**Date of Order: April 06, 2018.**

Verinder Singh (aged 45 years) son of Shri Lal Singh, resident of village Bhanguri, Tehsil Dhar Kalan, District Pathankot. (Aadhar No. 5301 6620 4418).

**...Applicant-accused**

Versus

State of Punjab

**...Respondent.**

**FIR No.03 dated 17.03.2018.**

**Under Section 61 of Punjab Excise Act, 1914.**

**Police Station Dhar Kalan.**

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**First Bail application U/s 439 Cr.P.C.**

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Present: Shri Jagjit Singh, Counsel for accused-applicant.

Shri S.S.Kaler, Public Prosecutor for the State.

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**ORDER:**

1. This order of mine shall dispose of bail application under Section 439 of Cr.P.C filed on behalf of applicant-accused Verinder Singh son of Shri Lal Singh in case under Section 61 of the Punjab Excise Act, 1914 registered on the basis of FIR number 03 dated 17.03.2018, Police Station Dhar Kalan.

2. Brief facts of the case of the prosecution are that on 17.03.2018 ASI Arun Kumar alongwith PHC Ram Pal, Constable Ajay Sharma, PHG Kali Dass on their Govt vehicle bearing no. PB-12J-3529 being driven by Driver PHC Joginder Singh, inconnection with search of bad elements were going towards Adda Dunera, Kala bridge, Palah, Bhanguri, Langa Chadola bridge etc. When the police party reached at village Langa, then secret informer gave an information to the effect that accused/applicant who resides at village Bhanguri near Govt School in front of worship place of Peer Baba is doing the business of selling the country made liquor without any permit or license who kept the same in his store which is situated outside his house. When the police party raided the house, then accused-applicant fled away but the country made liquor i.e. 13 boxes of OLD FOX MATURED XXX RUM ( each box contain 12 bottles, in total 156 bottles) and one box of ROYAL STAG WHISKY, which contain 12 bottles, on which for sale in Punjab only was written were recovered from the store.

3. Learned counsel for the applicant-accused contended that a false FIR has been registered against the accused/applicant and the accused is innocent and has no concern with the present occurrence. No recovery has been effected from the accused/applicant. The police has manipulated this false recovery. He further contended that earlier the accused/applicant has filed bail application which was dismissed by the lower court of Ms Lavleen Sandhu, JMJC, Pathankot vide order dated 31.03.2018. The accused/applicant is in judicial custody and his further custody is not required for any recovery of investigation. Consequently, a prayer for releasing the applicant-accused on

regular bail has thus been made.

4. Learned Public Prosecutor for the State contended that accused-applicant by keeping in his possession 13 boxes of OLD FOX MATURED XXX RUM ( each box contain 12 bottles, in total 156 bottles) and one box of ROYAL STAG WHISKY, has committed a serious offence. Consequently, a prayer for dismissal of the bail application has thus been made.

5. During the course of arguments Investigating Officer ASI Arun Kumar no.1318/Gsp, Incharge Police Post Dunera, Police Station Dhar Kalan coupled with learned Public Prosecutor for the State has appeared and suffered a statement to the effect that on 27.03.2018 present accused-applicant was nabbed by the police party headed by him and he was found in possession of 13 boxes of country made Old Fox XXX Rum for Sale in Punjab alongwith one another box of Royal Stag for Sale in Punjab. He further stated that as per record of Police Station Dhar Kalan, no previous criminal case is registered or pending against the present applicant-accused.

6. I have heard learned counsel for the accused-applicant and learned Public Prosecutor for the State and have also gone through the record.

7. After hearing the rival contentions of learned counsel for the applicant-accused and learned Public Prosecutor for the State, this Court is of the considered opinion that applicant-accused is behind the bars since 27.03.2018. The recovery has already been effected in the present case. Trial will certainly take some time. No useful purpose would be served by keeping the accused in custody any more. Accordingly, this bail application is allowed

and applicant-accused is ordered to be released on bail on his furnishing personal bond in the sum of ₹ 50,000/- with two sureties in the like amount to the satisfaction of learned Ilaqa/Duty Magistrate, Pathankot, subject to the following conditions:

- (i) That the accused-applicant will not leave the country without prior permission of the court.
- (ii) That the accused-applicant will appear on each and every date of hearing in the court.
- (iii) That the accused-applicant will not misuse the concession of bail.

Copy of this order be sent to the court of Illaqa/Duty Magistrate, Pathankot as well as to the SHO of concerned Police Station for information. Bail application file be consigned to the Record Room.

**Dr. Tejwinder Singh,  
Sessions Judge,  
Pathankot.**

**Unique Identification Code PB0023.**

**Pronounced.  
Dated: 06.04.2018**

(Ajay Kumar)  
Stenographer-1

**Verinder Singh vs State**

Present: Shri Jagjit Singh, Counsel for accused-applicant.  
Shri S.S.Kaler, Public Prosecutor for the State.

Today, Investigating Officer ASI Arun Kumar no.1318/Gsp, Incharge Police Post Dunera, Police Station Dhar Kalan coupled with learned Public Prosecutor for the State has appeared and suffered a statement to the effect that on 27.03.2018 present accused-applicant was nabbed by the police party headed by him and he was found in possession of 13 boxes of country made Old Fox XXX Rum for Sale in Punjab alongwith one another box of Royal Stag for Sale in Punjab. He further stated that as per record of Police Station Dhar Kalan, no previous criminal case is registered or pending against the present applicant-accused.

Heard. Vide separate order of even date, the bail application under Section 439 Cr.P.C filed on behalf of the applicant-accused Verinder Singh is allowed. Copy of this order be sent to the court of Illaqa/Duty Magistrate, Pathankot as well as to the SHO of concerned Police Station for information. Bail application file be consigned to the Record Room.

**Dr. Tejwinder Singh,  
Sessions Judge,  
Pathankot.**

**Unique Identification Code PB0023.**

**Pronounced.  
Dated: 06.04.2018**

**(Ajay Kumar)  
Stenographer-1**