

**IN THE COURT OF SH.BALWINDER KUMAR,
ADDITIONAL SESSIONS JUDGE, LUDHIANA.
(UID Number PB0160)**

Case Type	BA
Case Code Number	PBLD01-014151-2019
Date of Decision	9.4.2019

State versus Kamaljit alias Prince aged 30 years son of Dilbagh Singh, resident of House no.2416, street no.8, Jammu Colony, Police Station Model Town, Ludhiana.

..Applicant/accused

FIR No.42/2019
Under Section 61/1/14 of Excise Act
Police Station Model Town, Ludhiana.

Bail application under Section 438 Cr.P.C.

Present: Ms Mini Gill, Advocate ,counsel for the accused/applicant.
 Shri Harkirat Singh, Additional Public Prosecutor for the State.

ORDER

Record received. Heard.

2. It is mentioned in the application that accused/applicant is innocent and has been falsely implicated in the present case. It is further averred that prosecution allegations are false and concocted. It is further averred that alleged recovery has already been effected and now nothing is to be recovered from accused/applicant and as such custodial interrogation of accused/applicant is not required and accused/applicant undertakes to join the investigation as and when required by the police. Hence, the bail application.

3. Learned counsel for the accused/applicant while arguing in

the lines of the instant application contended that application may be allowed and accused may be granted bail.

4. Conversely, learned Additional Public Prosecutor for the State submitted that accused/applicant has committed serious offence and as such he does not deserve the benefit of bail and application may be dismissed.

5. Having heard the arguments, it has transpired that the instant case FIR was registered on secret information that accused/applicant is habitual of selling liquor and if his house is raided, liquor can be recovered. Disclosed place was raided and 18 bottles of whisky were recovered. Accused ran away from the spot.

6. Keeping in view the quantity of liquor allegedly recovered and that recovery of liquor has been effected in the present case and custodial interrogation of accused/applicant does not seem necessitated, as such, accused/applicant is directed to join the investigation on or before 19.4.2019 and in the event of his doing so, he shall be released on interim bail to the satisfaction of Arresting/Investigating officer subject to the following terms and conditions:

1. That the applicant shall appear before the Investigating/Arresting Officer as and when called upon him.
2. That the applicant shall not leave India without the prior permission of the court.
3. That the applicant shall not directly or indirectly make any inducement, threat or promise, to any person acquainted with the facts of the case, so as to dissuade from disclosing such facts to the court, during trial.

Now to come up on 19.4.2019 for awaiting the report from

the concerned police station as to whether the applicant has joined the investigation or not.

Pronounced:9.4.2019

**Balwinder Kumar,
Additional Sessions Judge,
Ludhiana
(UID Number PB0160)**

Sudesh Kumari, Steg.G-I