

In the court of Sh. Muneesh Arora, Addl. Sessions Judge, Patiala.

CIS No.	BA-1802-2022
CNR No.	PBPT010057652022
Date of Decision	6.7.2022

FIR No.36 dated 10.6.2022
Under Section 61(1) of the Punjab Excise Act,
Police Station: Ghagga, District Patiala,

Krishan Kumar aged about 42 years son of Sh. Chanan Ram, resident of village
Bhagwanpura @ Sadharanpur, Tehsil Patran, District Patiala.

....Applicant-accused

Versus

1. State of Punjab
2. SHO, P.S Ghagga, District Patiala.

.... Respondents

Application for bail under Section 438 of the Code of Criminal Procedure.

Present:
Sh. Rishi Chopra Advocate proxy Counsel for the applicant-accused.
Ms. Neena Sidhu Ld. Public Prosecutor for the State along with ASI
Krishan Chand.

Order :

1. Apprehending his arrest, the applicant has filed the instant application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail. ASI Krishan Chand has produced the record of investigation and has made statement that no bail application of the applicant regarding the present FIR is pending in Hon'ble High Court nor any bail application regarding this applicant has been decided by this

court.

3. Arguments are heard. Learned counsel for the applicant has argued that the applicant is innocent and he has been falsely implicated in this case. The alleged recovery has not been effected from him. The applicant has apprehension of his arrest for non-bailable offence as the police is raiding his residence. His custodial interrogation is not required and he is ready to join the investigation. He will not make any kind of threat or inducement to any person, who is acquainted with facts of the case. Thus, the applicant may kindly be granted concession of pre-arrest bail.

4. On the other hand, learned Public Prosecutor has argued that in this case recovery of 24 bottles of liquor make Jugani for sale in Haryana only was made on 10.6.2022 from the applicant and he fled away from the spot. Custodial interrogation of the applicant is required and he is not entitled to get concession of anticipatory bail.

5. This Court has heard the learned counsel for the applicant, learned P.P for the State and has gone through the record carefully. As per prosecution story, in this case recovery of 24 bottles of liquor make Jugani for sale in Haryana only was made on 10.6.2022 from the applicant and he fled away from the spot. The alleged recovery of liquor has already taken place.

7. The applicant has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence. Considering the

nature and gravity of the offence and all aspects, this court is of the considered view that custodial interrogation of the applicant is not required. Thus, he is granted interim bail and is directed to appear before the Investigating Officer and join the investigation within a period of 7 days and in the event of his arrest, he be released on furnishing the personal bail bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer. This bail order is subject to the following conditions:

- I) That the applicant shall join the investigation as and when called by the investigating officer;
- II) 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 him from disclosing such facts to the Court or to any police officer;
- III) That the applicant shall not leave the country without prior permission of the court.

Now, to come come up on 18.7.2022 for awaiting report of Investigating Officer.

Pronounced in open Court,
On 6.7.2022

(Muneesh Arora)
Addl. Sessions Judge, Patiala
(UID No.PB0135)

Narinder Sharma Stenographer-I