

**IN THE COURT OF RAVI GULATI,
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

CIS No: BA-1755-2024

CNR No: PBGD010042992024

Date of Order 28.05.2024

PBGD010042992024



Tilak Raj aged about 60 years son of Piara Lal resident of village Shampura, Tehsil Batala, District Gurdaspur.

.....Accused/Applicant.

Vs.

State of Punjab

.....Respondent.

FIR No.0028 dated 16.04.2024

Under Section 61 The Punjab Excise Act,1914

Police Station:-Qila Lal Singh.

Second Bail application under Section 439 Cr.P.C.

Present:Sh. S. K. Gupta Advocate counsel for accused/applicant.

Sh. Tejinder Pal learned APP for the State.

ORDER

Present second bail application has been filed by accused/applicant Tilak Raj son of Piara Lal seeking regular bail under Section 439 of Cr.P.C. Sunita Devi who is stated to be wife of accused/applicant Tilak Raj has also filed her affidavit to the effect that this is the second bail application filed by the accused/applicant under section 439 Cr.P.C. as the first bail application was dismissed as withdrawn vide order dated 09.05.2024 passed by this court. However it is stated that bail application filed by the

accused/applicant under section 437 Cr.P.C. has been dismissed by the learned trial court vide order dated 23.04.2024. Ahlmad of this court has reported that no other bail application of accused/applicant is pending in any other court in this FIR.

2. Upon notice, learned APP for the State put in appearance on behalf of State and contested the bail application. Police record has been requisitioned and perused. ASI Phuman Singh No.3323/BTL, P.S. Qila Lal Singh who appeared along with record and suffered statement that no other bail application of the accused/applicant is pending in any court in this FIR and except the offences mentioned in present FIR, no offence has been added and deleted in present FIR. He further stated that total 50 bottles of illicit liquor were recovered in this case from the possession of accused/applicant and he is also involved in 15 other cases.

3. Learned counsel for accused/applicant submitted that accused/applicant is innocent and has been falsely implicated in this case. He argued that the alleged recovery, if any has been effected and nothing remains to be recovered from the applicant/accused. He submitted that accused/applicant was arrested in this case on 16.04.2024 and since then he is in custody. Therefore, he prayed that accused be granted concession of bail.

4. On the other hand, learned APP for the State argued that since 50 bottles of illicit liquor were recovered from the possession of the accused/applicant and he is already involved in other cases in

similar nature and is habitual offender, he is not entitled to concession of regular bail. Thus, he prayed for dismissal of the bail application.

5. After hearing rival contentions of both the sides and going through the record, it comes out that the present FIR was registered against accused/applicant on 16.04.2024 on the allegations that he was found in possession of illicit liquor in his house contained in polythene pouches, which upon measurement came out to be 50 bottles of 750 ML each. He was accordingly arrested. The alleged recovery has already been effected. Nothing is left to be recovered from the accused/applicant. Though it is stated that accused/applicant is habitual offender and is also involved in other cases of similar nature but this court is of the opinion that it cannot be a sole ground to deny him the regular bail when complete trial is required to prove his guilt. He is in custody in this FIR since 16.04.2024. Presentation of challan and conclusion of trial shall take sufficient long time. No purpose would be served by keeping the accused/applicant behind bars for indefinite period. As such, present application is hereby allowed and accused/applicant is admitted to regular bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount, in the Court of learned Illaqa/Duty Magistrate to his/her satisfaction and subject to the following conditions:-

- i. That he shall not hinder the ongoing investigation;
- ii. That he shall not leave the country without prior permission of the Court;
- iii. That he shall not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade him/her from disclosing the truth to the Court or police;

However, observations made herein shall have no effect on the merits of the case. Copy of this order be sent to learned Illaqa Magistrate. Police record be returned. Record of bail application be consigned to the record room.

Pronounced
Dated:28.05.2024.
Shiv Kumar, Stenographer-I

(Ravi Gulati)
Additional Sessions Judge,
Gurdaspur (UID No.PB0242)