

**IN THE COURT OF ATUL KASANA,  
SESSIONS JUDGE, MOGA.  
(UID No.PB0085).**

CNR No.PBMO01-004565-2023

CIS No. BA/1715/2023

Decided on: **14.08.2023**

State of Punjab

Versus

Sarabjit Singh, aged about 46 years, son of Mohinder Singh, resident of village Thoothgarh, Tehsil Dharamkot, District Moga.

.... Applicant/Accused

FIR No.162 dated 31.07.2023

U/S: 61/1/14 Excise Act.

P.S. Dharamkot.

**Bail application under Section 439  
Cr.PC for grant of regular bail**

Present :     Shri Ashish Grover, Advocate, counsel for applicant-accused.  
                  Shri Kuldeep Sahni, Addl.PP for State

**O R D E R**

1.           This order of mine shall dispose of bail application under Section 439 Cr.PC filed by the applicant/accused named above in above noted case.
2.           Notice of the bail application was issued to the State and record of concerned police station was requisitioned.
3.           Learned counsel for applicant-accused submits that applicant-accused has been falsely implicated in this case and alleged recovery has already been effected. He further submits that applicant-accused is in custody since 31.07.2023 and no useful purpose would be served by keeping

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the accused behind the bars. On these submissions a prayer for acceptance of the bail application has been made.

4. On the other hand, learned Addl. PP for State opposed the bail application and prayed for dismissal of bail application.

5. I have considered the submissions of learned counsel for the applicant as well as learned Addl. PP for State and have perused the record.

6. The present case has been registered against the applicant-accused at the instance of ASI Gurpreet Singh. It is in accusations that police party headed by ASI Gurpreet Singh on Government vehicle bearing registration no. PB-29-H-8309 in connection with patrolling and checking of suspects, was on patrolling duty in the area of Kamal Ke, Kawala, Thoothgarh etc. and was present at bus stop, Kamal Ke, then secret informer gave secret information to the Investigating officer that Sarabjit Singh son of Mahinder Singh, resident of Thoothgarh, is in habit of distilling and selling illicit liquor and if a raid is conducted at the house of accused situated at village Thoothgarh, then accused can be apprehended along with working still and heavy quantity of lahan. Believing the information to be reliable, ruqa was sent, on the basis of which present FIR has been registered against the accused.

7. As per prosecution version, police party raided the house of accused, where he was found distilling illicit liquor by means of working still and components of working still alongwith 100 liter lahan and 20 bottles of illicit liquor were recovered. The applicant-accused is in custody since 31.07.2023. The offence is triable by Judicial Magistrate 1<sup>st</sup> Class. Presentation of challan and conclusion of trial will take considerable time.

The criminal liability of the accused shall be determined during the course of trial and no useful purpose would be served by keeping the applicant-accused in custody for an indefinite period. Hence, it is a fit case for grant of regular bail to the applicant-accused. Accordingly, the present bail application is allowed and applicant-accused is admitted to bail on furnishing of requisite bail bonds/ surety bonds to the satisfaction of concerned learned Illaqa/Duty Magistrate subject to the following condition(s):

1. *That he shall appear in the court on each and every date of hearing.*
2. *That he shall not tamper with the prosecution evidence.*
3. *That he shall not leave the country without prior permission of the court.*

8. Police record be returned. Copy of this order be sent to concerned court, while file of this court be consigned to the Record Room after due compilation.

**Date of order:14.08.2023**  
(Ashwani, Stenographer G-II)

**(Atul Kasana),**  
**Sessions Judge,**  
**Moga. (UID No.PB-0085)**