

IN THE COURT OF SH. H.S. GREWAL
ADDITIONAL SESSIONS JUDGE, PATIALA

Filing No. BA3096 of 2021

PBPT010092512021

Date of Order: 15.9.2021

Vicky Singh @ Ghudda aged about 18 years son of Beant Singh, resident of village Kakrala Tehsil and District Patiala.

...Applicant/Accused

Vs.

State of Punjab.

....Respondents

Application for bail u/s 438 Cr.P.C

Present: Sh.G.S.Nararwal, advocate counsel for applicant.
Sh.Sumit Malhotra Ld. Addl. PP for the State

ORDER

1. This order of mine shall dispose of an application for anticipatory bail filed by the applicant in FIR No.230 dated 3.9.2021 under section 61 Excise Act, Police Station Sadar Nabha District Patiala.
2. In pursuance of notice of the application having been issued, the learned Addl.PP for the respondent-State has put in appearance and record has been produced by ASI Baljit Singh.
3. The Learned counsel for applicant has vehemently argued that the applicant has been falsely implicated in the present case qua the alleged recovery of 150 bottles of country made liquor meant for sale in State of Haryana. He has urged that recovery has already been effected. The applicant is ready to abide by the conditions if any imposed by the Court. The application is allowed.
4. On the other hand, learned Addl.PP for State has hotly opposed the contentions and is argued that on the basis of secret information having received that the accused was indulging in sale of

country made liquor meant for sale in the State of Haryana. The accused on seeing the police party fled away from the spot, but the residence of the accused was raided and it was found that by digging a pit in the courtyard(vehra) recovery of 150 bottles of country made liquor was effected. The entire proceedings qua recovery had been video-graphed to show the genuineness and authenticities of the prosecution version. The origin qua the said liquor and the people with whom the applicant has been indulging regarding the illegal trade under the Excise Act is yet to be unearthed. The application for bail be dismissed.

5. After giving my thoughtful consideration to the rival submissions and on careful perusal of the averments put in the application, the contents of the FIR, coupled with due assistance rendered, it is worth taking judicial notice that the perusal of the record produced by ASI Baljit Singh, the video was prepared at the spot with regard to the pit having dug by covering it as if it was a main hole and by inserting sand therein, bottles of country made liquor were allegedly kept concealed and that to the extent of 150 bottles of country made liquor meant for sale in the State of Haryana. The provisions enshrined under section 438 Cr.P.C are to be exercised sparingly and in an eventuality when one apprehends or believes that he may be arrested in a criminal case, though otherwise he is innocent. The provisions have been enshrined for protecting the innocent citizens from arrest in a false cases. Taking into note the totality of the facts and further in the ends of justice in order to unearth the complete truth, rather the custodial interrogation of the applicant is inevitable. Thus, the application being devoid of any merit is, hereby, dismissed. Police

record has been returned. Bail application papers be consigned to the record room.

Pronounced
September 15th 2021

(H.S. Grewal)(PB0081)
Additional Sessions Judge
Patiala.

Typed by Seema Rani
Stenographer Gr. II