

Vijay Kumar Vs. State

CIS No. BA/1572/2019
CNR No. PBMN01003853-2019
Date of order: 06.11.2019
FIR No.157 of 21.10.2019
U/S 61, 78 Punjab Excise Act
Police Station Bhikhi

Present: Sh.Aneesh Jindal, Advocate for applicant-accused Vijay Kumar.
Sh. D.S. Sran Addl.P.P. for respondent-State.

Police file presented by Ld. Addl.P.P. is perused and returned.

Heard on this application of accused-applicant for anticipatory bail under Section 438 Cr.P.C in the above referred case.

2. It is contended by Ld. Counsel for applicant that latter has been falsely implicated in this case. He is not named as accused in the FIR. Nothing was recovered from him. He is ready to join investigation. Hence, the prayer to admit him to anticipatory bail.

3. Ld. Addl.P.P. opposed the prayer submitting that recovered motorcycle Pulsar No. PB-31H-4037 belongs to this applicant. He had purchased the same from original owner Gurnam Singh whose statement was also recorded on 31.10.2019. Affidavit of such purchase is on police file . Applicant abandoned the motorcycle on which there were 120 bottles of country liquor 'Shehnai' (Haryana). His custodial interrogation is required to find out his misdeeds and source of such contraband. Hence the prayer to dismiss the bail application.

4. Police file shows that on 21.09.2019 above said recovery of 120 bottles country liquor 'Shehnai' (Haryana) was effected from motorcycle Pulsar No. PB-31H-4037 which was lying unattended near drain bridge on Village Borawal-Phaphe Bhaike Road. Statement of Gurnam Singh on police file shows that he was owner of this vehicle and

had sold the same to applicant in March, 2018. Affidavit in this regard is in police record. Therefore, it is apparent that applicant is the owner and he obviously possessed this motorcycle. Alleged contraband has been recovered from this vehicle. Applicant's custodial interrogation will be relevant to find out the source of such contraband. He, therefore, is not entitled to anticipatory bail. Application is dismissed. File be consigned to record room.

Pronounced in open court.
06.11.2019

(Parveen Kumar)

Rajeev K. Beri,
Addl. Sessions Judge,
Mansa (UID No. PB-0149).