

**IN THE COURT OF SHRI K. K.JAIN, ADDITIONAL
SESSIONS JUDGE, LUDHIANA.**

CNR PBLD01-017798-2020

CIS No.BA / 15701 / 2020

Decided on : 19.11.2020

State Versus 1. Boota Singh S/o S.Satpal Singh @ Palli
 Resident of VPO Boothgarh,
 District Ludhiana.

 2. Boota Singh S/o S.Chain Singh
 Resident of Village Sasrali Colony,
 District Ludhiana.

.....Applicants/Accused

FIR No. 145 of 09.11.2020

U/s 61-1-14 Excise Act

P. S. : Meharban, Ludhiana.

Bail Application Under Section 438 Cr.P.C.

Present : Sh.Harpinder Singh, Adv, Counsel for applicants/accused.
 Sh.Amandeep Singh, Ld. Addl. PP for the State.

ORDER

Heard on the bail application filed on behalf of applicants/accused under section 438 Cr.P.C for bail, whereby it is submitted by the Ld. Counsel for the applicants that applicants are peace loving & law abiding citizens of India and have not committed any such offence and that they have been falsely implicated in this case. The allegations as alleged in the FIR against the applicants, are totally false & frivolous. The applicants are ready to join the investigation and cooperate with the same. Nothing is to be recovered from the applicants, so their custodial interrogation is not required. Applicants undertake not to misuse the benefit of bail and will not tamper with the prosecution evidence and the applicants further undertake to appear on each & every date of hearing. Accordingly, prayer is made for allowing the present bail application.

2. Upon notice Ld. Addl. PP for the State put in appearance on behalf of the State and although reply to the application is not

intended to be filed by the State but the said petition is hotly contested by the Ld. Addl. PP for the State and the contention of Ld. Addl. PP for the State is that specific allegations are there against the accused and as such concession of anticipatory bail should not be granted to the accused/applicants. Accordingly, request is made for dismissal of the present application.

3. Police record received and perused. From the perusal of the record it transpires that present case was registered on the basis of secret information received by ASI Rupinder Singh of P.S. Meharban, Ludhiana, alongwith other officials was present at T-Point Gonsgarh, Rahon Road, in connection with checking of bad elements & patrolling, which was to the effect that accused/applicants have been indulged in selling liquor after bringing/smuggling the same from other States at low rate and selling the same at higher rate and at that time they were sitting alongwith liquor at backside Poultry Farm of Gurnam Singh S/o Bachan Singh in the area of Village Sasrali Colony alongwith heavy quantity of liquor and that in case raid be conducted, they can be apprehended. The information being reliable, ruqa was sent to police station for registration of case and the investigating officer himself went to the disclosed place.

4. Today ASI Yograj, No.2360/LDH, now posted at PS Meharban, Ludhiana, has come present with the record and suffered statement to the following effect :

“ Stated that apart from the present FIR the following criminal cases have been found registered against the applicant/accused namely Boota Singh son of Chain Singh as under:-

Sr. no.	FIR No.	Dated	U/s	P.S.
1.	33	11.02.2018	61/1/14 of Excise Act,	Meharban
2.	272	25.12.2018	61/1/14 of Excise Act,	Meharban
3.	82	23.06.2019	61/1/14 of Excise Act,	Meharban
4.	102	28.07.2019	61/1/14 of Excise Act,	Meharban
5.	144	09.06.2018	451,323,506,148,149 of IPC	Meharban

Further, apart from the present FIR the following criminal cases have also been found registered against the applicant/accused namely Boota Singh son of Satpal Singh as under:-

Sr. no.	FIR No.	Dated	U/s	P.S.
1.	74	20.05.2016	61/1/14 of Excise Act,	Meharban
2.	142	07.09.2013	323, 324, 325, 326, 506, 148, 149 of IPC	Meharban

It is further submitted that 15 boxes i.e. total 180 bottles of 750 ml., each of first choice for sale in Haryana only was recovered from the spot but before effecting recovery both the aforesaid accused have fled away from the spot i.e. in the field, back side of Gurnam Singh poultry farm, Sasrali Colony, Ludhiana. As the recovered liquor was for sale in Haryana only so the offence committed by the accused is non-bailable warrants.

5. After considering the rival contentions of the parties and going through the file carefully, this court is not convinced with the submission of Ld. Counsel for the applicants. It is argued by learned counsel for the applicants/accused that the recovered liquor does not belong to the accused, the said version of the defence side cannot be treated as gospel truth. As per record a heavy quantity of liquor i.e. 15 boxes i.e. 180 bottles of 750ml each of liquor for sale in Haryana only was recovered from the applicants/accused of the present applicant. Further the menace of illicit liquor is a curse on the society as recently due to the poisonous illicit liquor many innocent lives were ruined in the State. Keeping in view the totality of the facts of the present case and without commenting anything qua merits of the case, this court is of the opinion that custodial interrogation of the applicants/accused is necessary to know the destination and source from where the applicants/accused have smuggled the liquor in such a heavy quantity. Keeping in view the above facts of the case, this court is of the opinion that the accused/applicants are not

entitled to concession of anticipatory bail in the present case and accordingly the application in hand is hereby dismissed. However nothing observed herein above shall be considered to be an expression of opinion by the Court on the merits of the case. Police record be returned. File be consigned to the record room.

Sd/-

**Pronounced in the open court:
Dt. 19.11.2020**

**(K.K.Jain)(UIDPB0163)
Addl. Sessions Judge/FTSC
under POCSO Act/Ludhiana.**

Mukesh Kumar, Stenographer-I