

In the court of Sh. Jatinder Pal Singh Wahniwal,
Additional Sessions Judge, Fazilka.
(UID No. PB-0572)

B.A. No.1589 of 30.10.2018.
CNR No. PBFZCO-0047182018.
CIS No.BA 1589/2018.
Date of Order:-06.11.2108.

1. Amit Kumar alias Rubbal aged 30 years son of Sh. Hans Raj resident of Gali No.1, Krishna Nagri, Abohar Tehsil Abohar District Fazilka.

2. Pankaj aged 30 years son of Satpal resident of Gali No.2, Krishna Nagri, Abohar Tehsil Abohar District Fazilka.

.....Applicants-accused.

Versus.

State of Punjab.

.....Respondent.

Application under Section 438 Cr.PC.

FIR No.177 dated 26.10.2018.

Under Section 61/1/14 Excise Act.

Police Station City-1 Abohar.

Present: Sh.Manoj Kumar, Advocate counsel for the applicants.
Sh. Yogesh Kasrija, Additional PP for the respondent.

ORDER

Amit Kumar and Pankaj have filed this application under Section 438 Cr.PC for grant of anticipatory bail.

2. It is alleged that accused have not committed any offence as alleged in the FIR. No offence is alleged in the FIR against the

Jatinder Pal Singh Wahniwal, Additional Sessions Judge, Fazilka,

accused-applicants. They are not named in the FIR. The present FIR is registered on the basis of secret information. Nothing is likely to be recovered from the applicants. They are ready to join investigations. The police is raiding at the house of the applicants. The applicants apprehend their arrest. No useful purpose will be served by sending the applicants in custody. Their custodial interrogation is not required. The trial of this case will take sufficient time. The applicants undertake not to misuse the concession of bail. They are ready to furnish bail bonds and surety bonds. There is no apprehension of absconding of the applicants. It is prayed that anticipatory bail be granted.

3. Notice of this bail application was given to respondent. Sh. Yogesh Kasrija, Additional PP appeared on behalf of the respondent and opposed the bail application. Police record was summoned and perused.

4. Ramesh Chander ASI appeared in the court on 06.11.2018 with police record. He gave statement that in the present case 34 boxes i.e., 408 bottles of country made liquor make First Choice for sale in Haryana were recovered.

5. I have heard learned counsel for applicant, learned Additional PP for respondent and have gone through the record of the case. The perusal of the FIR shows that this case was registered under Section 61 of Punjab Excise Act against Amit Kumar @ Rubbal, Pankaj Kumar son of Satpal and Gulab. In this way this FIR was registered by name against the applicants. It is further mentioned that secret information was received that all the aforesaid three accused had

brought the liquor from Haryana and were selling by keeping the same behind the bushes and if raid is conducted country made liquor can be recovered in heavy quantity. On the basis of this information, recovery was effected as referred above. It is clear from the above facts that the recovery of country made liquor made in Haryana was effected in heavy quantity. The custodial interrogation of the applicants is required to make the investigations in depth and to know from where they had brought the liquor and to whom this liquor was to be sold. This act of the accused causes economic loss to the State. The learned APP pointed out that liquor is bought at cheaper rates in Haryana but is sold at higher rates in Punjab. Therefore, the accused bring liquor from Haryana on cheaper rates and sell the same in Punjab at higher rates.

6. It is clear from the above facts that the accused have committed serious offence. They may abscond if anticipatory bail is granted. As such no ground is made out for grant of anticipatory bail to the applicants-accused. Therefore, the present bail application is dismissed. File be consigned to the record room.

Pronounced in open Court.
Dated:06.11.2018.

Vinay Kumar, Steno-I

Jatinder Pal Singh Wahniwal,
Additional Sessions Judge,
Fazilka .(UID No. PB-0572).

CNR No. PBFZCO-0047182018.

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Present: Sh.Manoj Kumar, Advocate counsel for the applicants.
Sh. Yogesh Kasrija, Additional PP for the respondent.

Ramesh Chander ASI appeared in the court with police record and gave statement that in the present case 34 boxes i.e., 408 bottles of country made liquor make First Choice for sale in Haryana were recovered.

Arguments heard. Vide my separate detailed order of today, the present bail application is dismissed. File be consigned to the record room.

Pronounced in open Court.
Dated:06.11.2018.

Vinay Kumar, Steno-I

Jatinder Pal Singh Wahniwal,
Additional Sessions Judge,
Fazilka .(UID No. PB-0572).