

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

CNR PBLD01-017688-2020
CIS No.BA / 15669 / 2020
Decided on : 19.11.2020

State Versus Mrs.Urmila, aged about 50 years, W/o Deya Ram
R/o H.No.631-A, Ambedkar Nagar, Model Town
Ludhiana.

FIR No. 79 of 2017
U/s 61-1-14 Excise Act
P. S. : Model Town, Ludhiana.

Bail Application Under Section 438 Cr.P.C.

Present : Sh.S.P.S. Gill, Adv, for applicant/accused.
 Sh. Amandeep Singh, Ld. Addl. PP for the State.

ORDER

Heard on the bail application filed on behalf of applicant/accused u/s 438 Cr.P.C for bail, whereby it is submitted by the Ld. Counsel for the applicant that the applicant/accused is quite innocent and has been falsely implicated in the above noted case. It is further submitted that earlier the applicant was on bail and on the fateful day, she could not attend the court due to some unavoidable circumstances and as such, she was marked as absent and the applicant/accused was ordered to be summoned through non-bailable warrants of arrest. The applicant/accused apprehends her arrest at the hands of local police. The absence of the applicant was not intentional nor willful. Thereafter, when the local police could not lay its hands upon the accused, proclamation U/s 82 Cr.PC was ordered to be issued and after that the applicant/accused was declared as proclaimed person. Accordingly, prayer is made for allowing the present bail application and releasing the accused on bail.

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

to be filed by the State, however, the bail application is contested by the Ld. APP for the State and the contention of Ld. Addl. PP for the State is that the present accused deserves no concession of bail as the applicant/accused has absented herself intentionally. Accordingly, request is made for dismissal of the present bail application.

4. After considering the rival contentions of the parties and going through the file carefully, this court is convinced with the submission of Ld. Counsel for the accused/applicant. Keeping in view all facts of the case and the fact that 11 bottles of 750ml each of liquor were recovered from the applicant/accused. As such, the present bail application is disposed off with the direction that the applicant is to surrender before the Trial Court on or before 04.12.2020 and on her doing so, learned Trial Court shall admit the applicant/accused on regular bail to its satisfaction, subject to the following conditions:

1. That applicant/accused shall attend Court on each and every date of hearing and if he fails to attend the trial court on each and every date of hearing without any sufficient cause then the trial court would be well within its rights to cancel the bail order passed in favour of the applicant(s)/accused.
2. That he/she shall not commit an offence similar in nature to the offence of which he is accused, or suspected;
3. That he/she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her/them from disclosing such facts to the Court or to any police officer;
4. That he shall not leave the country without prior permission of Court.

Record be returned to the quarter concerned and file be consigned to the record room.

Pronounced in open Court
on Dated 19.11.2020
Mukesh Kumar(Stenographer-I)

Sd/-
(K. K. Jain)
Additional Sessions Judge(Duty)
Ludhiana,UID No.PB0163