

**IN THE COURT OF MS.LUKHVINDER KAUR DUGGAL,
ADDITIONAL SESSIONS JUDGE, PATIALA.**

*BA No.2318 of 2024.
CNR No.PBPT01-007025-2024.
Decided on 20.7.2024.*

Subhash Chand s/o Chint Ram, r/o Ward No.4, Tehsil Amb, Mawa Sindhian, Una, Himachal Pradesh.

.....Applicant-Accused.

Versus

State of Punjab.

.....Respondent.

FIR No.6 dated 9.1.2023.
U/s 61, 78(2) of Excise Act and 416/467/471/120-B IPC.
PS City Rajpura.

Application u/s 438 CrPC for the grant of anticipatory bail.

Present: Ms.Mini Gill, Advocate for the applicant-accused,
Subhash Chand,
Sh.Puneet Khanna, learned APP for the state alongwith
ASI Gurmeet Singh, No.2336/PTA, PP Bus Stand, Rajpura,
PS City Rajpura.

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ORDER

1. This order of mine shall dispose of first bail application u/s 438 CrPC filed by applicant/accused.
2. Notice of the application was issued to the State and Sh.Puneet Khanna, learned APP appeared on behalf of the state. The concerned Ahlmad has reported that bail application No.683-2024, u/s 438 CrPC, of the applicant, has already been dismissed in the same FIR and as per the Hon'ble High Court site no bail application of the applicant is pending or decided in the same FIR. Police record produced by ASI Gurmeet Singh and he has suffered statement that no bail application of the applicant regarding the present FIR is pending in the Hon'ble High Court. He has further stated that recovery in this case was

effected from truck in question and no person was present at that time and as such, FIR was registered against unknown person. During the investigation it revealed that registered owner of the truck, namely, Sohan Lal, had sold the truck to the present applicant, through affidavit and as such, present applicant was nominated in this case.

3. Arguments heard.

4. As per the prosecution case, in the present case on 9.1.2023 recovery of 1140 bottles of licit liquor make Imperial Blue; 3024 halves of licit liquor make McDowell's and 9504 quarters of licit liquor make McDowell's, all for sale in Punjab only, was effected, from the truck bearing registration No.HP-72-C/6281, by the Police of Police Station City Rajpura and thus FIR was registered against unknown person(s). However, the accused managed to flee away from the place of occurrence. During the investigation of the case it was found that registered owner of the truck, namely, Sohan Lal, had sold the truck to the present applicant, through affidavit and as such, present applicant was nominated in this case.

5. Learned Counsel for the applicant-accused has argued that applicant-accused is innocent and he has been falsely implicated in the present case. He further contended no offence is made out against the accused/applicant. It is further argued that there is no iota of evidence to connect the applicant with the alleged offences in question. The applicant has not been named in the FIR and he has no link with the other accused. It is contended that nothing is to be recovered from the applicant and he is ready to join the investigation. Lastly, he prayed that the applicant-accused be released on anticipatory bail.

6. The bail application has been strongly opposed by the learned APP for the state by advancing arguments.

7. Perusal of the file shows that in the present case, as per the prosecution case, on 9.1.2023 recovery of 1140 bottles of licit liquor make Imperial Blue; 3024 halves of licit liquor make McDowell's and 9504 quarters

of licit liquor make McDowells, all for sale in Punjab only, was effected by the Police of Police Station City Rajpura and thus FIR was registered against unknown person(s). However, the accused managed to flee away from the place of occurrence. During the investigation of the case it was found that registered owner of the truck, namely, Sohan Lal, had sold the truck to the present applicant, through agreement dated 2.12.2022 and as such, present applicant was nominated in this case. The original agreement dated 2.12.2022, regarding the sale of truck bearing registration No.HP-72-C/6281, by Sohan Lal s/o Ujjagar Singh to the applicant Subhash Chand, is lying attached with the police record.

8. This Court is of the considered opinion that in the present case, no person has been arrested till date. Moreover, the driver of the said truck had also fled away from the spot. Further, as per the original agreement dated 2.12.2022, the present applicant-accused is owner of the aforesaid truck. Therefore, this Court is of the considered opinion that in view of recovery of heavy quantity of liquor, as mentioned above, effected in the present case and for fair investigation of the case, custodial interrogation of the applicant is required. Accordingly, in view of my above said discussion, the present application filed by the accused-applicant stands hereby dismissed.

9. Police record be returned. Papers of this bail application be consigned to the Record Room.

Pronounced

Dated: 20.7.2024.

(Lukhvinder Kaur Duggal)
Additional Sessions Judge,
Patiala/UID No.PB0156.

Typed by Brijinder Batish
Stenographer II

** directly dictated.*