

**IN THE COURT OF POOJA ANDOTRA
ADDITIONAL SESSIONS JUDGE, TARN TARAN.
(UID Number PB0218)**

PBTT010033272025



Presented on : 17-05-2025
Registered on : 19-05-2025
Decided on : 23-05-2025
Duration : 0 years, 0 months, 6 days

Case Type	BA
Filing Number	2882/2025 dated 17.05.2025
Registration Number	1614/2025 dated 19.05.2025
CNR Number	PBTT0100-3327-2025
Date of Decision	23.05.2025

Sukhdev Singh, aged about 55 years, son of Inder Singh son of Sohan Singh, resident of village Kot Dharam Chand Kalan, Police Station Jhabal, Tehsil and District Tarn Taran.

---Applicant/accused

Versus
State of Punjab

---Respondent

FIR No.64 dated 14.05.2025
Under Section 61/1/14 of Excise Act and offences under Sections 123, 62
BNS added later on vide Rapat No.20 dated 14.05.2025
Police Station Jhabal

BAIL APPLICATION UNDER SECTION 483 of B.N.N.S.

Present: Shri Amit Dhawan, counsel for applicant/accused
Shri Harmanjot Singh, Additional Public Prosecutor for State

ORDER

The above named accused has filed this application for the
grant of regular bail under Section 483 of Bharatiya Nagrik Suraksha

Sanhita, 2023 (hereinafter referred to as B.N.N.S.) read with Section 439 of Criminal Procedure Code (hereinafter referred to as Cr.P.C.), in the afore referred F.I.R..

2. Notice of the bail application was given to the State/complainant. Learned Additional Public Prosecutor for the State has opposed the bail application. Police record has been requisitioned.

3. Ahlmad has reported that no previous bail application has been filed or decided by any Court qua this accused in this FIR. Investigating Officer has stated that applicant/accused has not been declared as proclaimed offender in this case.

4. The present FIR was registered on the basis of secret tip off which was received by complainant ASI Tasveer Singh on 14.05.2025, who was on patrol along with fellow police officials and was present at village Jhabal Kalan. He was informed by secret informer that accused/applicant Sukhdev Singh and his wife Baljit Kaur, resident of Kot Dharam Chand Kalan, were habitual of distilling and selling liquor at home and that if the raid was carried out, they could be nabbed red handed. Upon the receipt of information, FIR under section 61 of the Punjab Excise Act, 1914 was registered. Then police officials raided the house of the accused persons and arrested them from the spot. Total 70 litres of lahan was recovered from the house of the accused.

5. Contention of learned counsel for the accused/applicant is that the present FIR has been registered by the concerned police just to harass the accused/applicant unnecessarily, who is an innocent person. Alleged recovery of 42 litres of Lahan from the possession of accused/applicant is false one. No material has been found which could suggest it to be

intoxicant substance. Due to political vendetta, accused/applicant has been named in the FIR, whereas wife of accused/applicant has already been discharged by the police due to lack of evidence. Accused/applicant is in judicial custody since 14.05.2025. Conclusion of trial will take time and no useful purpose will be served by keeping the accused/applicant behind the bars for indefinite period and prayed for grant of regular bail to the accused/applicant.

6. Contention of learned Additional Public Prosecutor is that allegations against the accused are serious in nature. Therefore, accused/applicant is not entitled for grant of regular bail and prayed for dismissal of the bail application.

7. In **Prahlad Singh Bhati v. N.C.T., Delhi, (SC)** : Law Finder Doc Id # 11452, 2001(5) BCR 727 : 2001(2) R.C.R.(Criminal) 377; **State through C.B.I. v. Amaramani Tripathi, (SC)** : Law Finder Doc Id # 85804, 2005(34) AIC 1 : 2005(4) R.C.R.(Criminal) 280; Hon'ble Supreme Court of India has set the guidelines:-

- (i) *whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) *nature and gravity of the charge;*
- (iii) *severity of the punishment in the event of conviction;*
- (iv) *danger of accused absconding or fleeing if released on bail;*
- (v) *character, behaviour, means, position and standing of the accused;*
- (vi) *likelihood of the offence being repeated;*
- (vii) *reasonable apprehension of the witnesses being tampered with;*
- (viii) *danger, of course, of justice being thwarted by grant of bail*

8. Perusal of the case file reveals that the accused/applicant is already in custody since 14.05.2025 and a total of 70 Kg of lahan had been already effected from the possession of accused and his wife, who has already been got discharged by the Investigation Agency. No recovery as of now is to be effected from the possession of the accused/applicant in this

FIR. Besides that the culpability of the accused/applicant is yet to be established on the culmination of the trial. Conclusion of trial will take its own time. His detention in judicial lock-up for more period shall be a burden on State exchequer.

9. In view of above discussion and without commenting on merits of the case, the present application is ***allowed***. The accused/applicant is ordered to be released on bail subject to furnishing of his bail bonds in the sum of ***Rs.60,000/-*** with one surety of the like amount, subject to the conditions that :

1. the accused-applicant shall not, directly or indirectly, made any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court to any police officer;
2. the accused-applicant shall not leave India without the previous permission of the Court, including the trial Court.
3. the accused- applicant shall attend the proceedings in accordance with the conditions of the bonds so executed under Chapter XXXIII of Cr.P.C.
4. the accused- applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;
5. the accused-applicant shall not tamper with the evidence by any means;
6. the accused-applicant shall appear before the trial court on each date of hearing unless his personal appearance is exempted.

Bail application file be attached with the main file/consigned to the record room.

Announced: 23.05.2025

**Pooja Andotra, PCS,
Vacation Judge/
Additional Sessions Judge,
Tarn Taran.
UID Number PB0218**

Lovepreet Stenographer Grade-II