

**In the Court of Gurmohan Singh,
Addl. Sessions Judge, Ferozepur (UID No.PB-0573).**

CIS No.BA/1628/2021. CNR No.PBFZ010051562021. Date of Order: 12.08.2021.

Jaspal Kaur @ Palo, aged about 22 years, wife of Balwinder Singh,
resident of village Kot Karor Kalan, Tehsil and District Ferozepur.

.....Applicant.

Versus

The State of Punjab.

.....Respondent.

Application under Section 438(i) Cr.P.C
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Present: Sh. G.S.Khosa, counsel for the applicant.
Sh. APS Brar, Addl. Public Prosecutor for the State.

ORDER

Present bail application has been filed by above named accused/applicant under section 438(i) Cr.P.C. in case FIR No.41 dated 03.07.2021 under Section 61/1/14 of the Punjab Excise Act, registered at Police Station Talwandi Bhai.

2. Notice of the bail application has been issued to the State. Learned Additional Public Prosecutor for the State has appeared. Record has been produced.

3. Learned counsel for the accused/applicant submits that the applicant/accused is innocent and has been falsely implicated in the present case. Further submits that the alleged recovery of 20 Kg. of Lahan has been planted upon the applicant/accused. Further submits that there is not any iota of evidence on record to connect the applicant/accused with the alleged offence. Learned counsel further submits that nothing is to be got recovered from the applicant/accused and she is ready to join the investigation. Thus pray that present application be allowed.

4. Learned Additional Public Prosecutor for the State submits that the accused/applicant has been specifically named by the secret informer to the Investigating Officer. There was specific secret information that the applicant/accused is indulging in distillation and sale of illicit liquor and if the raid is conducted at her house, then the the accused/applicant can be apprehended with huge quantity of Lahan or illicit liquor. Further submits that in pursuance of the secret information, a raid was conducted at the house of the applicant/accused but she was not present at her house and only kids were found present. Further submits that on search of the room meant for storing dung cakes, one silver pot containing 20 kilograms of Lahan was recovered. Further submits that no other case under Excise Act has been registered against the applicant/accused. Learned Additional Public Prosecutor further submits that the applicant has committed serious offence and heavy recovery has been effected and thus prays that the

accused/applicant does not deserve concession of anticipatory bail and the bail application be dismissed.

5. After hearing the learned counsel for the applicant, learned Additional Public Prosecutor for the State and perusal of the record, it reflects that as per the Investigating Officer, there was specific secret information against the present applicant/accused. However, as per prosecution, when raid was conducted at the spot, the applicant/accused was not present there. Thus, in these circumstances, this court is of the considered opinion that it is a matter of evidence to be produced at the time of trial to connect the applicant/accused with the alleged recovery of Lahan. Further, the alleged recovery has already been effected. Further, as per prosecution, no other case under Excise Act has been registered against the present applicant/accused. Accordingly, without commenting anything on merits of the case, the applicant/accused is directed to join the investigation on 16.08.2021 at 11.00 a.m. before the Investigating Officer/SHO and in the event of her arrest, she shall be admitted to the interim bail to the satisfaction of the investigation officer, with the following conditions:-

- (i) the applicant shall make himself available as and when required by the Investigating Officer;
- (ii) the applicant shall not induce/threat any of the prosecution witness or tamper with the evidence in any manner;
- (iii) the applicant shall not leave India without prior permission of the trial court.

6. The Investigating Officer is directed to submit his report on 17.08.2021.

Announced in open court

SD./-

Dated : 12.08.2021.

anil kumar

Stenographer Grade-II

(Gurmohan Singh)

Add. Sessions Judge, Ferozepur.

(UID: PB0573)