

IN THE COURT OF RAMAN KUMAR, ADDITIONAL SESSIONS  
JUDGE, KAPURTHALA. UID:PB0183.

**CNR No. PBKP010039112020**



**Case No. BA/1925/2020**

**Presented on** : 29-09-2020

**Registered on** : 30-09-2020

**Decided on** : --

Baldev Singh @ Bittu aged about 40 years son of Nirmal Singh, resident of  
Village, Boot, District Kapurthala.

..... Applicant/Accused

Versus

State of Punjab.

.....Respondent.

FIR No.259 dated 24.09.2020.

U/s 61/1/14 Excise Act.

P.S.Kotwali,

District Kapurthala.

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**(Bail application under Section 438 Cr.P.C.)**

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Present: Sh.Sukhminder Singh and Amandeep Singh ,Advocates.  
counsel for applicant/accused.  
Sh.Arwinder Singh, Additional PP for the State.

**ORDER**

The present bail application has been filed under Section 438  
Cr.P.C. It is submitted by counsel for applicant/accused that Police of P.S.  
Kotwali Kapurthala has been raiding the house of applicant/accused and he

apprehends his arrest. The applicant/accused has been falsely implicated in the present case and nothing has been recovered from applicant/accused nor he was arrested from the spot. Moreover, the applicant/accused has no concern with the alleged recovery, if any as the FIR has been registered on the basis of secret information. The applicant/accused undertakes not to tamper with the prosecution evidence and to abide by the terms and conditions to be imposed by the court.

On the other hand the ld. Additional PP for the State, has contested the instant bail application by advancing arguments. He submitted that names of the applicants/accused and non applicant/accused Kulwant Singh @ Kaka are mentioned in the FIR as secret information was received against them. The case is at initial stage and as such the applicant/accused is not entitled for concession of pre arrest bail as it would hamper the investigation.

I have heard the Ld.Counsel for applicant/accused and Ld. Additional PP for the State and have gone through the entire case record.

Briefly stated the facts of the case are that on 24.09.2020, SI Avtar Singh along with police party was on patrolling duty for search of bad elements, on official vehicle bearing RC No.PB 09X 6123 and going towards villages Boot, Rupanpur, Pharipur, Subhanpur etc. when the police party reached near the school ahead of village Pharipur then secret information was given by informer that **Bittu** son of Nirmal Singh and **Kaka** son of Ajit Singh were distilling illicit Liquor by installing working still towards the eastern side of village Pharipur.

Thereafter raid was conducted at disclosed place. Above said **Bittu** and **Kaka** fled away from the spot, however they were identified by ASI Rupinder Singh as they were known to him. At the spot the working still was cooled down and recovery of 150 KG Lahan was effected.

Since the recovery has already been effected, no case of custodial interrogation of applicant/accused is made out. The applicant/accused is ready to join the investigation. There is no chance that applicant/accused will tamper with the prosecution evidence or threaten the witnesses, if released on bail. Thus, the benefit of interim bail is granted to the applicant/accused in the present case. Therefore, in the event of arrest of applicant/ accused **Baldev Singh @ Bittu** in the case in hand, he will be released on interim bail to the satisfaction of Arresting Officer/ Investigating Officer. The applicant/ accused will comply with the provisions of Section 438(2) Cr.P.C and he will join the investigation pertaining to the case in hand within **7 days** from today.

Now to come up on 16.10.2020 awaiting report regarding joining of investigation by the applicant-accused and consideration on bail application. Police record be returned and the same be again produced on the date fixed.

Pronounced in open Court.  
Dated:06.10.2020.

सुखदेव कुमार

Raman Kumar),  
Addl.Sessions Judge,  
Kapurthala.UID PB0183.