

BA-2-2020 State Vs. Mohamad Jahir
PBLDA1000001202020

FIR No.236 of 20.12.2019,
U/S 61/1/14 Excise Act,
P.S. City-II, Khanna

Present:- Shri Kuldeep Singh, APP for the State.
 Shri Ashu Lawata Advocate, Counsel for the **applicant/accused Mohamad Jahir son of Mohamad Basir**.

Heard on the bail application of the **applicant/accused Mohamad Jahir son of Mohamad Basir**. In support of bail application, it was submitted that the applicant / accused has not committed any offence. He is in judicial lock-up since the time of registration of FIR. He is no more required by police for further investigation and police has already completed the entire investigation and nothing is to be recovered from the accused. The applicant/accused undertake that he will abide by the conditions as imposed by the Court. Accordingly prayed that the **applicant/accused Mohamad Jahir son of Mohamad Basir** be granted concession of bail.

Learned APP orally opposed the bail application and has not filed any written reply. He submitted that the accused / applicant has committed serious offence as he is found in possession of 40 Bottles of liquor make Naina Premium Whisky Blended and Bottled by Rock and Strom Bottles Pvt. Ltd. Plot No.214, Industrial Area Phase-1, Chandigarh, for sale in Chandigarh only, without any permit or licence, so he should not be released on bail.

From a careful consideration of the rival contentions, it is to be stated that the applicant / accused is in judicial custody. Conclusion of trial will take long time and a lenient view is taken against him in view of the fact that no useful purpose will be served by detaining him in custody during the proceedings of the present case. Even otherwise it is not the case of the prosecution that if released on bail, accused / applicant will tamper with the prosecution witnesses. The only submission of the learned APP is that accused / applicant has committed serious offence. Said argument of learned APP does not seem to be sufficient to detain the accused / applicant behind the bars because mere gravity of offence can not be the only ground to deny the concession of bail to the accused / applicant. As such, the bail application moved on behalf of accused / applicant is allowed and **applicant/accused**

Mohamad Jahir son of Mohamad Basir, is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.35,000/- with one surety of the like amount, with the conditions that he will not tamper with the prosecution evidence and appear in the court on each and every date of hearing.

Requisite bail bonds and surety bonds on behalf of **applicant/accused Mohamad Jahir son of Mohamad Basir** have been furnished. Same are accepted and attested. Release order qua **applicant/accused Mohamad Jahir son of Mohamad Basir** be issued forthwith.

Copy of this order alongwith copy of jamabandi of **surety Rajan Grover son of Ramesh Kumar**, be sent to the Revenue authorities / Tehsildar concerned for making entry in record regarding sureties. Bail application stands disposed off. Papers be tagged with the remand papers and be put up on 16.1.2020, the date already fixed in the remand papers.

(Neeraj Goyal)
JMIC/Khanna
(UID PB0365)

Date of Order: 07.01.2020.
Ravinder Singh,
Stenographer Gr.III.