

**In the Court of Rupinderjit Chahal,
Sessions Judge, Patiala
(UID NO.PB0054)**

CIS No. BA/1913/2024
CNR No. PBPT01-006024-2024
Date of Institution: 04.07.2024
Date of Decision: 09.07.2024

Mithu Singh, aged about 42 years, son of S. Baldev Singh, R/o village
Kularan, Tehsil Samana Distt. Patiala.Applicant

Versus

1.State of Punjab
2.SHO, PS Sadar, Samana.Respondent

FIR no.65 dated 6.5.2024
Under Sections 61/1/14 of Excise Act.
Police Station Sadar, Samana Distt.Patiala.

Application for bail u/s 439 Cr.PC.

Present: Sh. KK Murari, Advocate for accused/applicant.
Sh. Sumit Malhotra, Addl. Public Prosecutor for the State.

ORDER

1. This order of mine shall dispose of application for regular bail filed on behalf of accused/applicant Mithu Singh in case FIR no. 65 dated 6.5.2024, Under Sections 61/1/14 of Excise Act, Police Station Sadar, Samana Distt.Patiala.

2. Notice of the bail application was given to the respondent-State and record of police has been requisitioned.

3. Brief facts of the prosecution case are that on 6.5.2024 police party headed by ASI Balbir Singh was present at bus stand of Village Kularan. At about 7.40 pm he received secret information that Mithu Singh son of Baldev Singh is in habit of distilling and selling illicit liquor

(Rupinderjit Chahal), Sessions Judge, Patiala/9.7.2024

and on that day he had kept lahan in huge quantity in the cattle shed of his house and if raid is conducted at his house, he could be apprehended red handed and recovery of lahan and illicit liquor in huge quantity can be recovered from his possession. Believing the information to be correct, ruqa was sent to the police station, on the basis of which formal FIR was registered. Then police party conducted raid at the house of accused and found the accused present there near the drum. He tried to flee but was apprehended. The said drum was found containing 200 litres of lahan. Excise Inspector Harsimran Singh checked contents of the liquid in drum by its taste, colour and smell and gave his test report. The drum was sealed with the seal bearing impression HS and taken into police possession.

4. I have heard the learned counsel for the accused/applicant, learned Addl. Public Prosecutor for the State and have perused the police record.

5. The learned counsel for the accused/applicant has argued that accused/applicant is innocent and has been falsely implicated in the present case. He has not committed any offence. He further argued that alleged recovery of lahan has already been effected in this case. He further argued that the presentation of challan and conclusion of the trial will take some time and no useful purpose will be served by keeping the accused/applicant behind the bars. Thus, he prayed that accused/applicant may be released on bail.

6. On the other hand, learned Addl. Public Prosecutor for the State has opposed the bail application by contending that keeping in view

the gravity of the offence, the accused/applicant does not deserve the concession of bail. He prayed for dismissal of the bail application.

7. I have given my thoughtful consideration to the rival contentions of both the sides. As per case of the prosecution, accused was found in possession of plastic drum containing 200 litres of lahan. Perusal of the record reveals that accused/applicant has been arrested in this case on 6.5.2024 and since then he is in custody. As argued by the learned counsel for the accused/applicant, the presentation of challan in the Court and conclusion of the trial will take its own time. Considering the facts and circumstances of the case and custody period of applicant-accused, the accused/applicant is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of learned Area/Duty Magistrate.

8. Any observation made here-in-before shall not have any bearing on the merits of the case. Police record be returned. File be consigned to the record room.

Pronounced.
09.07.2024
Sanjeev Kumar, Executive Assistant.

Rupinderjit Chahal
Sessions Judge,
Patiala.(UID No.PB0054)