

IN THE COURT OF GURPREET KAUR, PCS, JUDICIAL MAGISTRATE
FIRST CLASS, AJNALA



02 State Vs. Nishan Singh

BA-02-2023

FIR No.20 dated 14.03.2022

U/s 61-1-14 Excise Act

Police Station: Ramdas.

Order:-

Present: APP for the State.
Sh.Gurwinder Singh Sran Adv, Counsel for accused/applicant
Nishan Singh.

This order of mine shall dispose of bail application moved by
Ld. Counsel for the accused/applicant Nishan Singh.

2. As per contention in the FIR, ASI Mohan Singh along with his police party in connection with patrolling and search of bad elements were going from village Parewal, Matenangal etc., where a secret information was received that Nishan Singh son of Fuman Singh, resident of Matenangal, is habitual of procuring and selling illicit liquor at his residential house. If immediate raid be conducted, he can be apprehended along with the illicit liquor/lahan. Information being reliable and trustworthy, an offence under Section 61/1/14 Excise Act was made out. Thereafter, raid was conducted as per disclosed information at the house of accused Nishan Singh. Where one individual was seen, had installed a working still, who on seeing the police party, ran away from the spot. After dismelteneing the working still following components and material was recovered:-

(I) one iron drum lahan boiler 200 Kg

- (ii) one shakala miti
- (iii) two wooden pieces
- (iv) one chapni miti
- (v) one naali plastic
- (vi) one balta iron
- (vii) one wooden pieces
- (viii) one box plastic containing 1illicit liquor.

3. Notice of the bail application has been given to learned APP for State. Police record received and perused. In place of filing reply, the learned APP for state has orally contested the bail application and prayed for dismissal of the application.

4. On the other hand, it is contented by Ld. Counsel for the accused that accused is innocent and has been falsely implicated in the present case. Alleged recovery has already been affected in this case and nothing is to be recovered from the applicant. It is further contended that no useful purpose will be served by detaining the applicant behind the bars and applicant undertakes to appear in the above said case, if he is released on bail. It is further contended that applicant will abide by all the terms and conditions imposed by this Hon'ble Court and no such or similar application for bail under any provision has been made before Hon'ble Punjab & Haryana High Court, Chandigarh and in any appellate Court. He prayed that accused be released on bail.

5. Heard on the rival contention of the accused as well as APP for the state. Police record pursued. Keeping in view the averments mentioned in the police record and also keeping in view the heavy recovery of lahan and working still, the accused is not

entitled for concession of bail and as such, instant bail application
is hereby *dismissed*.

Chetan, Stenographer G-III

[Gurpreet Kaur]
JMJC 07.01.2023
Ajnala, UID No.PB0471