

(2006) 10 P&H CK 0020

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal M. No. 56370-M of 2006

Ashok Kumar alias
Ravinder Singh and
another

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Oct. 30, 2006

Acts Referred:

- Punjab Excise Act, 1914 - Section 61(1)(a)

Citation: (2007) 3 RCR(Criminal) 7

Hon'ble Judges: Rajive Bhalla, J

Bench: Single Bench

Advocate: D.P.S. Kahlon and Mr. Smile Dhir, for the Appellant; B.S. Baath, A.A.G., for the Respondent

Judgement

Rajive Bhalla, J.

The petitioners seek grant of regular bail in case FIR No. 325, dated 7.8.2005, registered u/s 61(1)(a) of the Punjab

Excise Act, at Police Station Sadar, Hoshiarpur.

2. Counsel for the petitioners contends that though the allegations in the FIR are that the petitioners were smuggling 150 cases of liquor, they were

not arrested at the spot. The petitioners have been allegedly identified by a police official present at the spot, who is alleged to have stated that the

petitioners ran away. It is contended that the identification is legally flawed and cannot be relied upon. It is further contended that as investigation is

complete and the challan has been presented, the petitioners be released on bail.

3. Counsel for the respondent, on the other hand, contends that apart from the present case, there are number of cases, registered against the

petitioners, under the Excise Act and as they are habitual smugglers of liquor, the present petition be dismissed.

4. I have heard learned counsel for the parties and perused the record.

5. The petitioners have been behind bars since 25.8.2006. The investigation has concluded with the filing of the final report, u/s 173 of the Cr.P.C.

Neither any recoveries are to be effected nor any further incarceration of the petitioners is unwarranted. Counsel for the respondent has not

expressed any apprehension that if released on bail, the petitioners would tamper with the prosecution evidence or in any manner subvert the

process of trial. Bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur.

Nothing, stated herein, shall be construed to be an expression of opinion, on the merits of the controversy.