

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM M-3514 of 2015
Decided on : 23.02.2015

Bhupinder Singh @ Binda

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTIC KULDIP SINGH

Present : Mr.Divjyot S.Sandhu, Advocate
for the petitioner.
Mr.N.K.Chopra, DAG, Punjab.

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Kuldip Singh , J. (Oral)

Petitioner-Bhupinder Singh @ Binda has filed this petition under Section 439 of Code of Criminal Procedure for grant of regular bail in case FIR No.118 dated 23.11.2014 under Section 61-A/63/1/14 Punjab Excise Act, 1914 registered at Police Station Subhanpur, District Kapurthala. Custody certificate filed, taken on record.

It comes out that this case pertains to recovery of 960 bottles of illicit liquor from the present petitioner. Suffice to say that on 23.11.2014, 960 bottles of illicit liquor has been recovered from the petitioner and he is in custody since then. After his bail was declined by the Ld. Magistrate, petitioner approached the Court of learned Additional Sessions Judge, Kapurthala. The learned Additional Sessions Judge, Kapurthala keeping in view the heavy quantity of contraband involved in the present case, without commenting upon the merits of the case, took the view that the applicant is not entitled to concession of bail.

I am of the view that heavy quantity itself is not a ground to refuse the bail. It appears that learned Additional Sessions Judge, Kapurthala did not properly appreciate the facts with the result that application for grant of regular bail in Excise matter is coming to the High Court.

In such the circumstances, the application is allowed and petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Kapurthala.

Accordingly, petition stands allowed.

[Kuldip Singh]
Judge

23.02.2015
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