

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1628-2019 (O&M)
Date of Decision:- 21.1.2019

Baljeet Singh @ Batti

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. H.S.Jalal, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of FIR No.116, dated 5.12.2018, registered at Police Station S.G.N.Dev Thermal Plant, District Bathinda, under Sections 61 and 78 of the Punjab Excise Act, 1914.
2. The case of the prosecution is that the police had intercepted a pick up vehicle make Bolero No. PB-08-CB-6772 which was being driven by co-accused Gursewak Singh @ Sewak and in which the petitioner was sitting next to the driver. It is the case of prosecution that a search of the pick up vehicle led to recovery of 40 boxes of country made liquor.

3. Learned counsel for the petitioner has submitted that the petitioner was merely sitting by the side of driver and cannot be attributed conscious possession of the liquor in question as he is neither the owner nor the driver of the vehicle in question from which the liquor in question was recovered.
4. Opposing the petition, learned State counsel has submitted that in view of the huge quantity of liquor recovered, no case for grant of bail is made out.
5. Having considered rival submissions addressed before this Court and bearing in mind the fact that petitioner has been behind bars since the last more than one month, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars especially since the trial is not likely to be concluded in immediate future. The petition, as such, is accepted and petitioner-Baljeet Singh @ Batti is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. This petition stands accepted accordingly.

January 21, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No