

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-18936-2022

Date of Decision:-13.05.2022

Lakhwinder Singh @ Goldy.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ravinder Singh, Advocate for the Petitioner.

Mr. Kirat Singh Sindhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.0022 dated 05.03.2022 under Sections 61 and 78 of The Punjab Excise Act, 1914 registered at Police Station Sangat, District Bathinda.

The allegation against the petitioner is that he was sitting in a vehicle from which 1400 litres of ENA (Extra Neutral Alcohol) in 07 drums containing 200 litres each was recovered which was loaded in a Bolero Pickup bearing no.PB-02-DW-6223.

The Counsel for the petitioner contends that the petitioner has no concern with the alleged recovered 7 drums of Alcohol. The petitioner was a passenger in the said Bolero and has been implicated falsely. He contends that no other criminal case/FIR has been registered against him and as such his antecedents are clean. It is lastly contended that the petitioner is in custody since 05.03.2022 and his further incarceration is not required.

The Counsel for the State has opposed the bail application stating therein that the said ENA is used for making spurious liquor and in the last year many persons have died due to the consumption of the same. Therefore, the petitioner does not deserve the concession of bail.

I have heard counsel for both the sides at length.

Admittedly the petitioner is a passenger of the vehicle and does not have any criminal antecedents. The culpability of the petitioner shall be established during trial. The petitioner is in custody since 05.03.2022 and the further incarceration is as such not required. The co-accused of the petitioner namely, Rajinder Singh @ Jinda Singh has been granted the concession of bail by this Court.

Keeping in view the aforesaid facts and the period of custody undergone by the petitioner, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Lakhwinder Singh @ Goldy** son of Sh. Amar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the present case.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 13, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>