





3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner and the stage of trial. However, the attention of this Court has been drawn to the allegations leveled against the petitioner in the FIR in question, which has been annexed as Annexure P-1. Learned State counsel submits that a secret information was received that the petitioner was indulging in the sale of liquor by driving around in a car bearing fake number plate; pursuant to the secret information, the petitioner was apprehended by the police and not only was a huge recovery of 432 bottles of liquor affected from the car but even the fake number plate which had been affixed on the car recovered from him.

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

5. In a magisterial trial, the petitioner has been in custody since 30.04.2024. As many as thirteen prosecution witnesses have been cited by the prosecution, however, none of them have been examined till date. The prosecution evidence is likely to commence on 26.11.2024. Since the entire case of prosecution is based on documentary evidence which is already in the possession of the Investigating Agency and is now part of the challan; there can be no possibility of the petitioner tampering with evidence.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to



bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

13.11.2024
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No