

**FIR No.562/17
PS Rajouri Garden
State Vs. Bhagwan Dass**

12.07.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. K.K. Singh, Ld. Remand Advocate.

Sh. Anil Kumar, Ld. Counsel for the accused/ applicant.

This is an application for grant of bail to accused Bhagwan Dass, S/o Chander Bhan u/s 437 CrPC.

Reply has been filed by IO SI Sanjay Kumar.

It is submitted by the Ld. Counsel for the accused/ applicant that the accused has procured the illicit liquor for the purpose of serving it to the guests expected to attend the wedding of his grandson scheduled to be held on 18.07.2021. Ld. Counsel has submitted that the accused did not have any intention of selling the liquor. It is further submitted that the accused has clean antecedents. Benefit of bail is requested and it is submitted that if the benefit of bail is granted to the accused, the accused shall be ready and willing to furnish a sound surety, and shall also be willing to abide by conditions imposed upon him by the court.

Ld. APP for the state has submitted that any order as per law may be passed.

Heard. Record perused. Considered.

This Court is mindful of the proposition that bail is a rule and jail is an exception. As held by **Hon'ble Supreme Court of India** in the judgment titled **State of Rajasthan, Jaipur vs Balchand @ Baliay 1978 SCR (1) 538**, "The basic rule is bail, not jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and

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the like by the petitioner who seeks enlargement on bail from the Court.”

The accused was arrested on 04.07.2021 in possession of illicit liquor. Although the accused/ applicant has not disputed being found in possession of the liquor, the reply of the IO also does not show any ground meriting the pre-trial detention of the accused. Recovery has already been effected. As such, no fruitful purpose shall be served by detaining the accused in custody. Further, as the accused is 58 years old, this Court is of the considered opinion that in view of the current situation of the pandemic, the accused deserves to be released on bail. Considering the situation arising out of the pandemic as well as the overall circumstance of the case, the accused namely **Bhagwan Dass, S/o Chander Bhan** is admitted to bail on his furnishing of personal bond in the sum of Rs. 10,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, shall not commit any other offence of similar nature, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law. **Bail bond not furnished.** Bail application disposed of accordingly.

Let a hard copy of the application, its reply and misc documents be filed on the record within one week of the resumption of regular functioning of the Courts. Further, let a copy of the order be uploaded on the website of District Courts forthwith. Copy of the order be sent to Jail Superintendent concerned via official email ID for intimation.

Copy of the order be given *dasti* to Ld. counsel for accused.

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(Medha Arya)
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