

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

1ST SEPTEMBER, 2022

FIRST BAIL APPLICATION NO.592 of 2022

Between:

Sonu ...Applicant.

and

State of Uttarakhand ...Respondent.

Counsel for the Applicant : Mr. Mohd. Safdar.

Counsel for the State/
Respondent. : Mr. S.T. Bharadwaj, learned
Deputy Advocate General
for the State.

Hon'ble Alok Kumar Verma, J.

This Bail Application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in connection with the First Information Report No.22 of 2019, registered with Police Station Jhabrera, District Haridwar for the offence under Sections 302, 328, 272, 273, 120B of IPC, Section 62 of the Excise Act, and, Sections 4, 5, 6(1)(a) of the Poisons Act, 1919.

2. Heard Mr. Mohd. Safdar, the learned counsel for the applicant and Mr. S.T. Bharadwaj, learned Deputy Advocate General for the State.

3. According to the present matter, an FIR was lodged on 08.02.2019 on the oral information of the informant, Prakash Kumar Mishra, Station House Officer

of Police Station Shyampur, District Haridwar, that an information was received that some people had died in village Bindu Kharak, Ballupur, Bhalswagaj by consuming poisonous country made liquor and some other persons were admitted in the Hospital. When the police team reached at the place of the incident, they found that some persons were in serious conditions. The conditions of the persons were caused by consumption of country made liquor, which was made and sold by a group of people of that area. It was also informed that illegal poisonous liquor was brought from village Pudyan and Assewala to Ballupur which was sold by the named accused persons. During the investigation, 4 litre illicit liquor, in a Jerkin, was recovered at the instance of the applicant. After completion of the investigation, the charge-sheet was filed.

4. The learned counsel appearing for the applicant submitted that the applicant has been falsely implicated in this matter; nothing was recovered from the possession of the present applicant; alleged recovery of the poisonous liquor was planted; the applicant was not named in the First Information Report; co-accused persons of the similar role have been granted bail; the applicant is a permanent resident of District Haridwar; he has no criminal history; he is in custody since 10.02.2019, and, charge - sheet has already been filed, therefore, there is no chance of tampering with the evidence.

5. The learned counsel appearing for the State, opposed the bail application. However, he fairly conceded that co-accused persons of the similar role have been granted bail.

6. Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused person in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

7. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, there is no reason to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merit of the case, this Court is of the view that the applicant deserves bail at this stage.

8. The bail application is allowed.

9. Let the applicant- Sonu be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

ALOK KUMAR VERMA, J.

Dt: 1st September, 2022

Pant/