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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.8191 of 2025
Date of Decision: 02.09.2025**

Nishant Rana

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mrs. Kiran Bala Jain, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail in case arising out of FIR No.410 dated 09.11.2023 registered under Sections 120-B, 188, 201, 272, 308, 328, 420, 467, 468, 471, 472 and 473 of IPC and Sections 61, 63-A and 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) at Police Station Mullana, District Ambala. His previous petition bearing CRM-M No.43267 of 2024 had been dismissed as

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withdrawn vide order dated 26.09.2024.

2. As per the allegations, on 09.11.2023, on receipt of secret information by the complainant SI Karam Chand to the effect that the accused Kapil Pandit and Ankit @ Mogli along with other accomplices were involved in manufacturing fake/spurious countrymade liquor in the premises of an old factory existing in the area of Village Dhanaura, District Ambala. It was also informed that if raid was conducted, they could be apprehended while manufacturing illicit liquor. Believing the secret information to be true, a raiding party was immediately formed which reached at the informed place and recovered some burnt empty liquor bottles, six bottles of fake liquor, wrappers having written "Taaza Malta", one electric machine of liquor making and several big as well as small plastic drums and one drum having fevicol and 90 empty plastic bottles. All these articles were taken into custody. The aforementioned FIR was registered. Investigation proceedings were initiated. The accused Uttam Singh and Puneet were arrested on the same day. On their nomination, accused Shekhar and Parveen were apprehended. All of them suffered disclosure statements admitting their involvement in the commission of the aforementioned offences. Search was also conducted in the shop and rented warehouse of accused Ankit Ankit @ Mogli and recovery was also effected from there. The accused Ankit @ Mogli was arrested on 13.11.2023.

3. As per the further allegations, the accused Ankit @ Mogli suffered disclosure statement admitting the fact that he along with the co-

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accused was involved in the business of making illicit liquor and also that the present petitioner had also joined them as a partner by investing a sum of Rs.19,14,000/-. On the basis of his disclosure statement, the petitioner was nominated as accused. He was arrested on 18.12.2023. Investigation now stands completed and the petitioner along with the other accused is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused which cannot be considered to be admissible in evidence. There are vague allegations against him. No recovery has been effected from him. The trial will take considerable time since most of the witnesses are to be examined. The co-accused Prince Walia, Parveen Kumar, Uttam Singh, Sourabh, Anshul Garg, Puneet and Ravinder Pal Singh have been extended benefit of bail. On parity, he too deserves to be given the same benefit. There is no material on record to show that he had any connection with the business of manufacturing and selling illicit liquor. No proof of his partnership with the co-accused has been collected by the investigation agency. His further incarceration would not serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed.

5. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana that there are specific and serious allegations against the petitioner who along with the accused named in the FIR which entered into a partnership to sell spurious liquor which was poisonous and it

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was a cause of danger to several lives. Due to spurious liquor manufactured in the factory of the accused Kapil Pandit, Ankit @ Mogli and their accomplices as many as 20 persons have died. Some other FIRs have also been registered in this regard. His complicity in the crime stands established from the evidence produced on record. The trial may be expedited. The petitioner is a habitual offender as he is involved in four murder cases. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is in custody since 18.12.2023. Though the petitioner is claimed to be a partner in the business of manufacturing fake liquor by the co-accused Kapil Pandit and Ankit @ Mogli, however, admittedly, no document has been recovered to show the factum of their partnership with the petitioner. The recovery of spurious liquor was not effected from the petitioner. Most of the co-accused have been extended benefit of bail. The possibility of the trial concluding in the near future is bleak in view of the fact that many witnesses have been cited. In these circumstances, this Court deems it fit to extend concession of regular bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

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8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

02.09.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No