

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29359-2025
Reserved on: 09.09.2025
Pronounced on: 12.09.2025

Mula Ram ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saleem Ahmed, Advocate and
Mr. Anshul Khurana, Advocate
for the petitioner.

Dr. Jasmine Gill, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
79	12.03.2025	Sadar Nuh, District Nuh	61(1) A-4-2020 Excise Act & 318(4), 336(3), 338, 340(2), 61(2) BNS, 2023

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 12 of the bail petition, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	110	17.05.2023	3.25, 29 of Arms Act	Chautan, Distt. Badmer, Rajasthan

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That the detailed facts emanating from the present case are that on 12.03.2025, SI Mukesh Kumar along with Ct Sonu No.1169/Nuh, Ct Abhishek No.507/Nuh in government vehicle No.HR-96GV-3333, whose driver was Ct Mahender Singh No.962/Nuh and they were present near Police Line, Nuh for crime detection and crime control. In the meantime, a secret informer met to SI Mukesh Kumar and shared an information that a LP truck 14 tyres, covered with wooden body, whose registration no. GJ-10T-X-7277 is coming from Sohna side. The driver of the vehicle is Mula Ram son of Jeta Ram resident of near Ramdev temple, Chadar Setrau, police station, Ramsar, district Barmer Rajasthan, who has kept the illegal liquor under the above mentioned sacks of peanut shells and sawdust and has covered it with yellow coloured tarpaulin in connivance with

accountant of owner of the aforesaid vehicle. The liquor has been loaded with fake bills and is being taken to somewhere for sale. If a barricade is installed at this spot then the accused can be apprehended red handed along with the illegal liquor. The information was considered to be reliable and SI Mukesh Kumar shared the secret information with his police party and constituted a raiding party and started the barricading at the spot as contended by secret informer. After about 10-15 minutes, a truck no. GJ-10TX-7277 was seen coming from Sohna side upon which, the secret informer told that this is the same vehicle, which is loaded with illegal liquor. The aforesaid truck no. GJ-10TX-7277 was signalled by SI Mukesh Kumar to stop. On seeing the police party, the driver of truck suddenly stopped the truck about 10/15 steps before the barricade and got down from the vehicle and started running away from the spot. Thereafter, SI Mukesh Kumar apprehended the driver of truck no. GJ-10TX-7277 with the help of police party. On asking his name and address, the driver told his name as Mula Ram son of Jeta Ram, resident of near Ramdev temple, Chadar Setrau, Police Station, Ramsar, District Barmer, told that the vehicle is filled with sacks of puffed rice and showed two photo Service TLC, bill number LR No.1549 and two copies of e-WAY BILL no. 301955296741 dated 09.03.2025, of the goods, which was issued at the name and address of Yogesh Enterprises Ludhiana, Moffusil, 03 Punjab, 141202. On asking the driver strictly, he told that the vehicle is loaded with illegal liquor. He has further told that the accountant of the aforesaid vehicle is Kamlesh and he (Kamlesh) told him that go from KMP Road Rewasan and kept on going towards Alwar and he will tell him on the way, where to take the liquor. However, he did not receive any call from accountant Kamlesh. He kept driving the vehicle towards Alwar. He has brought this liquor vehicle from Chandigarh, Ludhiana-Rajpura Road, Chandigarh. Thereafter, Excise Department Inspector, District Nuh was informed at his mobile no.94674xxxx for arriving at the spot and, SI Mukesh Kumar parked the LP truck on the side of the road and opened the rope of the vehicle, removed the tarpaulin and opened the sacks and checked them, which was having boxes of liquor in the body of the LP truck. After sometime, Sh. Bisambar Dayal, Excise Department Inspector, District Nuh, came to CIA Nuh in his personal vehicle and in his presence, the liquor boxes were unloaded from the body of the LP truck with the help of labour, then the vehicle was found loaded with boxes of English liquor. When the driver was asked for the licence and ownership document of the liquor, on which, he could not produce any document. He was also asked about his associates involved in the illegal liquor business, on which, he said that he is running this illegal liquor business in connivance with Kamlesh, resident of Jodhpur, who is accountant of vehicle owner. Even after checking the cabin of the vehicle, no permit and any documents of the vehicle regarding the liquor. After unloading the illegal liquor from the vehicle, it was checked, which were 128 boxes of liquor bottles of brand Imperial Blue (Batch No. IBR 207 Date 28.01.2025), 80 boxes of brand Imperial Black (Batch No. IBK 16 Date 18.05.2024), 44 boxes of brand Imperial Blue Half (Batch No. 12 10 Date 17.12.2024), 195 boxes of bottles of brand McDowell's No.1 Original (Batch No. 21/L16 10.01.2025), 140 boxes of half bottle of brand McDowell's No.1 Original, (Batch No. 18/L12 09.01.2025), 90 boxes of quarter bottle of brand McDowell's No.1 Original, (Batch No. 312/L14 19.02.2024) United Spirits At Chandigarh Distillers & Bottlers Ltd. Banur Distt. S.A.S Nager (Mohali) Punjab 140601. The total boxes of the aforesaid brands are 677X12, which are total 8124 bottles. From each batch of each brand of the aforesaid liquor, 2/2 bottles, half, quarter liquor (6 bottles, 4 half, 2 quarter) were taken out as samples and the sample liquor was stamped with 1/1 seal of MK. The seizure memo of the liquor and sample liquor were all stamped and the vehicle LP truck along with the bill and documents were taken into police possession through memo of recovery

and the said memo was got attested from the attesting witnesses. A copy of said recovery memo is annexed as Annexure R-1. Accused/petitioner Mula Ram in connivance with the accountant Kamles resident Jodhpur and also with the help of other illegal liquor smuggler, whose name and address were unknown, illegally loaded illegal liquor in his vehicle with fake bill/documents for illegal smuggling of the aforesaid liquor and he and his co-accused have committed crime U/s 61(1)a-4-2020 Ex-Act, 318(4), 338, 336(3), 340(2), 61(2) BNS, upon which a case FIR No.79 dated 12.03.2025 U/s 61(1)-A-4-2020 Ex Act & 318(4), 336(3), 338, 340(2), 61(2) of BNS was registered at police station, Sadar Nuh, District-Nuh, Haryana and initial investigation of the present case was conducted by SI Mukesh Kumar, CIA, Nuh.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which reads as follows:

“9. That it is also worthwhile to mention here that accused/petitioner Mula Ram has played vital role in the present case, who was actively involved in the commission of crime. He is a driver from profession. He had also transported illegal liquor vehicles to Gujarat and Bihar. However, he was apprehended in Bihar-by-Bihar Police. He met to Kamlesh resident Jodhpur in Gujarat about 3/4 years ago. Co-accused Kamlesh gave him the work of deliver for transporting illegal liquor from truck no.GJ 10 TX 7277. On 09.03.2025, he went to Chandigarh, where he got LP truck no. GJ 10 TX 7277 filled with wooden body of dark yellow colour with a brownish green black golden on Rajpura Chandigarh Ludhiana highway for loading of illegal liquor and was going to deliver the goods via Nuh to Alwar side via KMP in truck no.GJ 10 TX 7277, but the local police apprehended him on the way. It is crystal clear that accused/petitioner Mularam was involved in the commission of crime. However, as per the criminal record of police station, Sadar Nuh, he was found involved in one more criminal cases bearing FIR No.110 dated 17.05.2023 U/s 3, 25, 29 Arms Act, Police Station, Chautan, District-Badmer, Rajasthan. Hence, the petitioner is not entitled for concession of bail.”

REASONING:

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. There

is sufficient prima facie evidence connecting the petitioner with the alleged crime.

9. However, as per paragraph 5 of the bail petition, the petitioner has been in custody since 13.03.2025. As per the custody certificate dated 08.09.2025, the petitioner's total custody in this FIR is 05 months and 27 days.

10. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often trial takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

11. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

12. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

CONDITIONS:

13. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any

¹ Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in *State of Kerala v. Raneef*, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in *Sanjay Chandra v. CBI* , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

14. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

15. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

16. This order is subject to the petitioner’s complying with the following terms.

17. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

18. In *Vikash Kumar Gupta V. The State of Bihar*, SLP 11952-2024, Decided on 11-09-2024, a Three-member Bench of Hon'ble Supreme Court, while granting bail, holds,

(ii) Since the petitioner has a track record of his involvement in cases under the Excise Act, it is directed that in case the petitioner is found involved in such like cases in future, it shall be taken as a misuse of the concession of bail.

19. The petitioner shall not repeat the offense and shall be bound by the abovementioned condition.

20. Given the background of allegations against the petitioner, it becomes paramount to protect the illicit liquors detection squad, the law enforcement officers who raid the places to detect illicit distillation and its supply and enforce the compliance of the respective Excise laws, and their family members, as well as the members of society,

incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the society; it would also restrain the accused from influencing the witnesses and repeating the offense.

21. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

22. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

23. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

24. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

25. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail

or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

26. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.09.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.