



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

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**CRM-M No.46513 of 2025  
Date of decision : 28.8.2025**

**Raj Kumar @ Raju****.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Munish Puri, Advocate, for the petitioner  
Mr. Jaypreet Singh, DAG, Punjab

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**SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.77 dated 17.7.2025, under Section 61 of Excise Act and Sections 111/123/62 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Shahpurkandi, District Pathankot.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

*'SHO PS Shahpurkandi "Jai Hind", I ASI alongwith SCT Nishan Singh 342/PTK, L/SCT Reeta Devi 147/PTK, PHG Mehar Singh 905 along with laptop printer with us were present near Radha Swami Satsang Ghar in search of bad elements. That secret informer informed us that Raj Kumar @Raju son Ram Kishan resident of Ranipur Thinga, PS Shahpurkandi, who is doing the business of selling illegal liquor and today also he is selling illegal liquor to the customers in plastic can at the turn of his house. If immediate raid be conducted, then aforementioned Raj Kumar@*



*Raju could be caught with illegal liquor. Information being reliable and trustworthy, I ASI informed fellow associates and conducted raid at the place told by the secret informer ile, at the turn of the house of Raj Kumar @Raju, where one person was seeing sitting on the chair while keeping plastic can near him and upon seeing the police party he tried to escape from the spot, who, I, ASI along with fellow associates took him into custody and asked about his name and address. Who told his name as Raj Kumar @ Raju son of Ram Kishan resident of Ranipur Thinga. Before checking the plastic can kept near him, Endeavour was made to involve public witness into police party but everyone while disclosing their genuineness helplessness does not get involved into police party. I ASI in presence of fellow associates while opening the cock of the plastic can checked it while smelling and illegal liquor was recovered. One Quarter from the recovered illegal liquor weighing 180 ML was taken separately as a sample and arrangements were made to weight rest of the illegal liquor. That after measuring, 35 bottles 750ML/750 ML and one bottle 570 ML were recovered. The measured liquor was again put in same plastic can and bolted the cock of the plastic can and alongwith illegal quarter sample bottle were sealed by me ASI with my named stamp DP/1/1 and was taken into police custody vide separate illegal alcohol recovery memo as an evidence and sample stamp was prepared separately. Form M-29 was complied with at spot. After use of stamp same was handed over to SCT Nishan Singh 342/PTK. Aforementioned accused Raj Kumar @ Raju is a habitual committing this offence. Upon checking PAIS ID case bearing no. 0001 dated 02/01/2007 under Section 61-1-14 EX Act, PS Shahpurkandi, Case bearing no. 101 dated 23/11/2007 under Section 61-1-14 EX Act, PS Shahpurkandi, Case No. 0001 dated 01/01/2008 under Section 61-1-14 EX Act PS Shahpurkandi, case no. 23 dated 30/03/2008 under Section 61-1-14 EX Act PS Shahpurkandi and case no. 55 dated 30/07/2023 under Section 61-1-14 EX Act PS Shahpurkandi were already registered against him. Because accused Raj Kumar @ Raju son of Ram Kishan resident of Ranipur Thinga while keeping total 27000 ML (36 bottles) illegal liquor prepared with poisonous/ health hazardous substances having no degree while knowing that it is harmful for human beings to consume has committed offence while keeping illegal 36 bottles liquor prepared with poisonous/ health hazardous substances having no degree while knowing that it is harmful for human beings, try to play with*



*the lives of people, under Section 61-1-14 of Excise Act and 111/123/62 of BNS Act. E-Sakshya app was started on my mobile for videography/photography regarding recovery at the spot. After writing ruqa same is being sent to police station through PHG Mehar Singh 905, for registration of FIR. After registration of FIR, number be intimated. After issuing special reports, the same be presented before Illaqa Magistrate and higher officials. Control room be informed through wireless. I ASI along with fellow associates are busy in investigation at the spot. Sd/ Dharam Pal ASI, PS Shahpurkandi dated 17/07/2025. Today present at Village Ranipur Thinga at 6.10 PM.'*

3. Learned counsel for the petitioner has argued that the petitioner is a man aged 60 years and does not keep good health. Reliance in this regard has been placed upon the medical record of the petitioner (copy whereof has been appended as Annexure P-2 alongwith the present petition). Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that recovery of the alleged liquor cannot be foisted upon the petitioner as a mandatory provision of Bharatiya Nagarik Suraksha Sanhita, 2023 has not been scrupulously complied with. Learned counsel has further argued that the recovery itself is doubtful. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 27.8.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the



available records of the case.

6. The petitioner was arrested on 17.7.2025 and is in continuous custody since then. Completion of investigation as also trial emanating therefrom, in case occasion so arises, will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 27.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one month and nine days. As per the said custody certificate, the petitioner is stated to be involved in two more FIRs registered under the Excise Act. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd.Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal)*



477 & judgments of this Court in **CRM-M No.38822-2022** titled as **Akhilesh Singh v. State of Haryana**, decided on 29.11.2021, and **Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191**.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is



found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)  
JUDGE

28.8.2025  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |